



EMPLOYEE HANDBOOK

Amended 8-3-26

Fulmont Community Action Agency, Inc.
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WELCOME

On behalf of your colleagues, we are happy to extend a welcome to Fulmont Community Action Agency. We wish you every success during your employment with us. Every employee contributes directly to the organization's growth, and we hope you will take pride in being a member of our team.

This handbook was developed to familiarize you with our organization, hereinafter known as the "Agency," and to outline the policies, programs, and benefits available to eligible employees. As you read it, you will find the answers to many of your questions about employment with Fulmont.

During the course of your employment with us, it may become necessary to make changes to the policies contained in this handbook and the organization reserves the right to do so. This handbook shall be adopted by a majority vote of the Fulmont Community Action Agency Board of Directors and the Head Start Policy Council. You will be advised of any changes when they are made. **This handbook is not to be construed as an employment contract. In this state, the employment relationship is "at will," which means that the relationship can be ended at any time, for any reason or for no reason, by either the employer or the employee. Continued employment is based on several factors, including individual merit, general business conditions, continued funding from our funding sources, and the discretion of management.**

We are pleased by your decision to work with us. Best wishes for a challenging and productive career with our organization.

POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

Fulmont is an equal-employment-opportunity employer and does not discriminate against any employee or applicant on the basis of race, color, religion, gender, sexual orientation, national origin, age, handicap/disability, genetic information, marital status, amnesty, military status, arrest/conviction record, status as a covered veteran, or any other protected class specified by local, State or Federal law. This policy also pertains to compensation, training, promotion, benefits and all other terms and conditions of employment. Fulmont is committed to take affirmative action to ensure equal employment opportunities. (Amended 5/3/10)

DISCRIMINATION/HARASSMENT POLICY

Discrimination or harassment based on race, color, religion, gender, sexual orientation, national origin, age, handicap/disability, genetic information, marital status, amnesty, military status, arrest/conviction record, status as a covered veteran, or any other protected class specified by local, State or Federal law is prohibited. Any employee who engages in such discrimination or harassment is subject to disciplinary action, up to and including discharge. Fulmont is committed to taking affirmative action to ensure non-discrimination and providing a harassment free workplace. (Amended 5/3/10)

Any applicant or employee who believes that he/she is the victim of discrimination or harassment is required to report the conduct immediately to his/her supervisor, Program Director, or the Executive Director. All such complaints will be treated as confidentially as circumstances permit and will be investigated and resolved as promptly as possible.

All employees are required to act responsibly to help the organization maintain a workplace that is free of discrimination and harassment. (Amended 6/5/06).

OPEN DOOR COMMUNICATIONS

We are committed to providing a positive environment that will enable our employees to achieve their professional goals. Our policy is to treat each employee as an individual, but at the same time to encourage employees to work together as a team.

To this end, we are constantly striving to maintain strong communications between management and employees so that problems regarding working conditions and procedures can be freely discussed and satisfactorily resolved.

Bring your concerns to the attention of your supervisor. If you have an unresolved problem with your supervisor or if you do not receive an adequate response, please discuss the situation with the Executive Director.

Our door is always open. We believe that discussing issues directly with one another will enable us to maintain the spirit of cooperation that has contributed to our continued success over the years.

DRUG-FREE WORKPLACE POLICY/USE OF PRESCRIPTION DRUGS/EMPLOYEE SHARPS

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. All employees are prohibited from being under the influence of alcohol during working hours. All employees are to refrain from the use of illegal drugs. It is our intent and obligation to provide a drug-free, healthful, safe, and secure work environment. Being drug-free is a condition of employment.

Prescription drugs may only be brought on Agency property by the person for whom they are prescribed. Such drugs must be used only in the manner, combination and quantity prescribed. Employees should advise their supervisors of the use of any prescription drug which may, in any way, affect their ability to safely perform their duties.

The Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens Standard does not require an employer in a non-health care environment to provide a sharps container to an employee who needs to use needles, syringes or any other form of sharps for their personal health condition. Therefore, employees are required to provide their own sharps container and take their needles, syringes or any other form of sharps from the job site. (Amended 6/30/15)

Workplace Drug Conviction

An employee convicted under any criminal drug statute for a violation occurring on Agency time or in Agency controlled property (including building and grounds) or vehicles must notify the Executive Director not more than five days following such conviction. The Executive Director will notify the grantor of Federal funding within ten days after receiving notice of the above mentioned conviction. Within thirty days of receiving such notice of conviction, the Agency will take appropriate personnel action against such employee, up to and including termination.

Employee Assistance Program

The Agency recognizes that drug dependency is an illness and a major health problem and that drug abuse is a potential health, safety, and security problem.

Employees needing help to deal with such problems are encouraged to use a rehabilitation program and our health insurance plans, as appropriate.

or

When an employee's off-duty abuse of alcohol or prescription drugs results in excessive absenteeism or tardiness, or when it causes or contributes to accidents or substandard work, the employee will be referred to a rehabilitation program and will face termination if he/she rejects the program or does not enroll on a timely basis.

Conscientious efforts to seek such help will not jeopardize an employee's job nor will it be noted in any personnel record.

The sale, use, possession, manufacture, transfer, or purchase of illegal drugs on Agency property or while performing Agency business is strictly prohibited. Such actions will be reported to the appropriate law enforcement officials.

Agency Inspection

The Agency's premises and all equipment and furniture maintained thereon is the sole and exclusive property of the Agency. The Agency reserves the right to inspect the premises, property, desks, lockers, storage areas, file cabinets, vehicles, and employee common areas at any time on a random basis with or without any advance notice to detect the presence of illegal drugs or alcohol. Such inspections may be conducted during or after business hours and in the presence or absence of employees, with or without the assistance of Law Enforcement Personnel.

No inspections are to be conducted without the presence of the Executive Director or his/her designee and in the presence of at least one (1) other Agency employee.

When the Agency has reasonable cause to believe an employee is violating any aspect of this policy, he or she may be asked by the Agency to submit immediately to a search of any personal property which they have brought to work or Agency property used by the employee. Refusal to consent to a search or an inspection when requested by the Agency constitutes insubordination and may result in disciplinary action.

COMMERCIAL DRIVERS LICENSE DRUG & ALCOHOL TESTING

To fulfill our obligations under Department of Transportation regulations, Fulmont has instituted random drug and alcohol testing in compliance with current Federal Department of Transportation regulations for all drivers requiring a CDL, as well as drug and alcohol testing in cases of reasonable suspicion and after a reportable vehicle incident.

All CDL drivers must abide by the terms of the above policy as a condition of employment. ***Refusal to be tested as requested will result in loss of employment.*** A CDL driver who receives a confirmed positive result is not medically qualified to operate a commercial motor vehicle and as such will be considered to have quit his/her job.

For further information and clarification please refer to the Commercial Driver's License, Drug & Alcohol Testing Policy, Addendum I.

Acknowledgment of Understanding

All CDL drivers of the Agency will be required to sign an Acknowledgment of Understanding regarding this policy. All questions should be directed to the immediate supervisor or the Executive Director.

GRATUITIES

A gratuity is defined as anything of material value. As an employee of Fulmont, you may not give a gratuity to a customer, supplier, or representative, nor may you accept one, whether in pursuance of business or in conjunction with negotiating business on behalf of this Agency. All employees shall be prohibited from accepting any gifts of money, goods, services or any gratuities whatsoever, which may be considered of any significant material value, from any person who receives benefits or services or who may be doing direct contracting with any of the activities or functions of the Agency, or who otherwise are in a position to benefit, directly or indirectly, from any action or decision by an employee or officer of this Agency. For the purposes of this policy, expenses for meals as part of a seminar, convention, or business meeting do not fall within the definition of a gratuity. Any violation of this policy may result in the employee's immediate termination.

SAFETY

Every accident or injury that occurs on the job, however minor, must be reported to an employee's immediate supervisor at once.

If an employee is working off-site and needs to go to a business and an accident occurs, a report must be filed with the business immediately in addition to filing it with Fulmont. A copy of the report filed with the business should also be provided to Fulmont.

Safety is everyone's responsibility. Employees are urged to take precautions to use materials and equipment with care and do their part to keep the work site free from hazards. Appropriate safety training will be conducted as needed and staff will be requested to attend. Please refer to our Safety & Health Program Handbook for further information regarding work place safety. (Amended 8/3/20)

RIGHT TO KNOW

You have the right to know about any hazardous substances that you might use or encounter on the job. Safety Data Sheets (SDS) for each potentially hazardous chemical used in our workplace will be on file for employee access and review.

If you are unable to locate (SDS) for a particular substance, please ask your Program Director for further information.

SMOKING

In consideration of our employees' health and to ensure the safety of our work environment, smoking is permitted only in designated areas. Smoking is prohibited in all common areas of the workplace including conference rooms, elevators, rest rooms, hallways, copy rooms, meeting rooms, client's homes, agency vehicles and open work areas. **No inside smoking is allowed.** (Amended 2/4/13).

At Head Start no smoking is permitted in the building or anywhere on the grounds. This policy shall be strictly enforced, and failure to follow this policy may result in disciplinary action.

It should be noted that the rights of the nonsmoker shall take precedence when disputes arise regarding this policy.

PERSONAL PROPERTY

The Agency is NOT responsible for any employee's personal property that is brought to the office. Do NOT bring items of considerable value such as electronics or jewelry.

CONFLICT OF INTEREST

What constitutes a conflict of interest or an unethical practice is both a moral and legal question. It is not practical to list all activities and interests that fall within this category. The following are examples of activities if an individual employed by the Agency that may limit his or her ethical and/or legal ability to perform his/her duties for the Agency.

- The borrowing of money from customers, individuals or firms from which the Agency buys services, materials, equipment or supplies or where the agency does business (except loans made in regular business transactions by banks, insurance companies or other such financial institutions with whom the Agency may do business).
- The misuse of privileged information or the revealing of confidential data or inside information to outsiders.
- The misuse of Agency position (including family and business ties) or knowledge of Agency affairs for personal/financial gains.
- To indulge in any form of bribery.
- To be directly involved with the approval of a family member receiving services.

Discovery of events of questionable, fraudulent or illegal nature which are in violation of Agency policy must be reported to the Executive Director immediately. If the employee is not certain of what conditions are proper or improper they are to discuss the matter with their supervisor immediately. If the case involves the Executive Director, the Board of Directors must be contacted. The Executive Director will determine what disciplinary action will be taken as a result of direct violation of this policy.

No person who serves as a member or representative of the Board of Directors of the Agency, nor their relatives (as defined under Employment of Relatives) may be employed by the Agency on a full time, part time, substitute, or temporary basis.

No member of the Board of Directors of the Agency shall be eligible for employment until he/she has resigned from the Board of Directors for a period of 1 year. Members of any Neighborhood Advisory Council or the Head Start Policy Council must resign from those bodies before applying for employment. The 1 year requirement does not apply in the cases of Policy or Advisory Councils.

(Amended 9/8/08)

PARTISAN POLITICAL ACTIVITY

Employees may not participate in partisan political activities in their official capacity as Agency employees. No employee shall be required, as a condition of employment, to work for or to make contributions to any political candidate or party. Agency resources may not be utilized to facilitate a partisan election. Any and all federal and state statutes regulating partisan activity shall also be adhered to as may be required by funding sources. Fulmont employees are prohibited from running for a partisan political office due to Federal Hatch Act restrictions. Consult the Executive Director for specific restrictions if you are considering running for a partisan political office. (Amended 9/8/08)

PICKETING AND PROTESTING

No employee shall participate in connection with the performance of their duties, in any form of picketing, protest, or other direct action that is in violation of the law. (Amended 9/8/08)

ANTI NEPOTISM POLICY/EMPLOYMENT OF RELATIVES

It is the policy of the agency not to offer employment to **immediate family** of employees or Board of directors members because such employment creates problems for the agency and impedes its ability to maintain an efficient and productive workplace. For purposes of this policy, the term “**immediate family**” is defined as:

<i>Mother</i>	<i>Grandmother</i>	<i>Sister-in-law</i>
<i>Father</i>	<i>Grandfather</i>	<i>Brother-in-law</i>
<i>Sister</i>	<i>Granddaughter</i>	<i>Daughter-in-law</i>
<i>Brother</i>	<i>Grandson</i>	<i>Son-in-law</i>
<i>Wife</i>	<i>Daughter</i>	<i>Aunt</i>
<i>Husband</i>	<i>Son</i>	<i>Uncle</i>
<i>Mother-in-law</i>	<i>Father-in-law</i>	<i>* Significant Other</i>
<i>Step Parents</i>	<i>Step Children</i>	<i>Step Siblings</i>
<i>1st Cousin</i>	<i>Niece</i>	<i>Nephew</i>

** The employee’s significant other who resides in the household.*

If such a situation is created because of promotion, transfer, or change in relationship, one of the affected employees may voluntarily resign or will be discharged.

An exception to the above policy may be approved by the Executive Director regarding the employment of immediate family members of current employees, not Board of directors members.

However, the following must apply:

- ❖ The employee may not work in the same department as an existing employee.
- ❖ The employee may not be related to any Director personnel.
- ❖ There is no other interested qualifying applicant for the position.

(Amended 3/7/16)

EMPLOYEE CONFIDENTIALITY

The success of the Agency depends to a large extent upon the degree of confidentiality exercised by all employees. The services we provide, as well as any records of our clients, are confidential. Releasing information regarding clients is prohibited. Respect the client’s right to privacy and create a level of trust so clients may receive effective services through open discussions and dialogue.

Share and/or release client information only with appropriate verification. A breach of confidentiality is a violation of Agency policy and could result in disciplinary action, up to and including termination of employment.

All business records are Agency property. Removing Agency records from the Agency premises without prior approval of management or giving Agency records to any former employee or non-employee is a serious breach of Agency policy and will result in termination.

EMPLOYMENT AND PAY

EMPLOYMENT AT WILL

All employment at Fulmont Community Action Agency, Inc. **is at will. At will means that both employees and Fulmont have the right to terminate employment at any time, with or without advance notice, and with or without cause.** No one other than the Executive Director has the authority to alter this agreement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the Executive Director.

Nothing in these policies is intended to create a contract (express or implied) or otherwise to create legally enforceable obligations on the part of the agency or its employees.

Those unionized employees employed by Head Start are covered by a CSEA Contract.

EMPLOYMENT CATEGORIES

It is the Agency's intent to define employment classifications clearly so that each employee understands his/her employment status and benefit eligibility.

Every position is designated as exempt or nonexempt pursuant to federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of these laws. Exempt employees are excluded from such overtime pay requirements.

Fulmont has established the following employment categories:

Full-time regular:	Employees who have continuously worked for at least ninety (90) days, which includes hourly employees who regularly work at least thirty-five (35) hours per week and all salaried exempt employees.
Part-time regular:	Employees who have continuously worked for at least ninety (90) days and regularly work fewer than thirty-five (35) hours per week.
Part-time occasional:	Employees who work for the Agency on an intermittent or unpredictable basis.
Substitute:	Employees who may work for a short period or those who replace other employees on a temporary basis.

WORK SCHEDULES

The normal length of the work week for full time employees will be 35 hours per week. An employee shall receive one half hour (30 minutes) per day for lunch, generally from 12:00 noon until 12:30 p.m. During the months of July and August the work week shall be 30 hours, with no reduction in pay. Some variation in this schedule will exist for program requirements with the approval of management.

Break periods for non-exempt employees will be considered part of working time and will not exceed ten (10) minutes in duration, once each morning and afternoon. Break periods cannot be combined with lunch periods, neither lunch hours nor break periods are accruable, and cannot be taken during the last hour of the work day.

All employees are expected to be at their work stations and ready to begin work at their scheduled times and to return promptly from lunches and breaks.

Occasionally, our projects require overtime work in order to meet client needs. Working overtime when required is a condition for continued employment, and we expect our employees to be ready and willing to work overtime when requested. All non-exempt employees who work in excess of forty (40) hours in one (1) work week shall be paid time and one-half for the hours worked in excess of forty (40) hours. (Amended 6/5/06).

All overtime worked must be authorized in advance by the Executive Director.

Time paid for vacation, holiday, sick or personal leave will not be taken into consideration when calculating overtime.

PAY PERIODS AND PAYCHECKS

All employees will be paid by check biweekly on the Thursday following the end of a pay period. When a payday falls on a holiday, you will be paid on the day before the holiday.

Paychecks will not be released to anyone other than the employee named on the check, unless prior written approval to release a particular check is provided to the Fiscal Office. No “blanket” statements covering a particular period of time will be accepted. No exceptions will be made without the approval of the Executive Director. At the end of the Friday immediately following pay day, any paychecks not distributed due to the absence of an employee will be mailed to the employee, or held at the request of an employee.

RECORDING OF TIME WORKED

Sign in/Sign out Sheets must be filled out completely each day by hourly employees showing the time you begin work, the time you leave for and return from lunch, and the time you quit work for the day.

TIME SHEETS

All employees must complete a bi-weekly time sheet verifying time worked. (Amended 6/5/06)

Employees are responsible for the accuracy of their timesheets. Submission of incorrect timesheets may result in disciplinary action.

PERFORMANCE APPRAISALS

Evaluation of an employee's performance is an ongoing process, and supervisors and employees are strongly encouraged to discuss job performance on an informal day-to-day basis. In addition, written performance appraisals (using the Employee Performance Evaluation form) may be conducted on a regular basis as determined by the Executive Director to provide supervisors an opportunity to discuss an employee's performance, to recognize and develop strengths, and to identify and correct weaknesses.

The evaluation of the Executive Director's performance will be conducted by the Board of Directors on an annual basis. The Executive Director will evaluate the performance of all direct reports.

The evaluation shall take into consideration the employee's work quality and quantity, job knowledge, dependability, initiative, attendance and punctuality, teamwork, conduct, communication skills and other such criterion that properly reflects the employee's suitability for the position.

All Agency positions will have written job descriptions which will be used as part of the performance evaluation.

Salary increases for all staff not covered by the collective bargaining unit contract will be determined by the appropriate Program Director and approved by the Executive Director, based upon budget and financial availability, from funding sources and the employee's performance. Incentive payments shall be distributed at the discretion of the Executive Director when budgets have available funding for such compensation. (Amended 9/9/08)

ACCESS TO PERSONNEL FILE

Personnel files are the property of the Agency, and access to the information they contain is restricted. Only those officials and representatives of the agency who have a legitimate reason to review information in a file are permitted to do so. With proper notice to the Executive Director or his/her designee, an employee may review material in his or her file but only in the agency's offices and in the presence of the individual appointed by the Executive Director to supervise the file. In compliance with N.Y. Public Officers Law 87 (6). Fulmont will notify an employee if their disciplinary records have been subjected to a FOIL request. (Amended 11/4/24)

YOUR PERSONNEL FILE

You are responsible for notifying the Personnel office of any changes in name, address, telephone number, marital status, number of dependents, or any other information in your employment records. Incomplete or outdated information may result in incorrect taxes being withheld from your paycheck, interrupted benefits for you and your family, and difficulty in notifying the appropriate person in the event of an emergency.

EMPLOYEE COMMUNICATIONS

All notices that affect employment at Fulmont, including information regarding safety, labor laws, and policy changes will be posted in "common" areas. It is the responsibility of each employee to be aware of all notices and to stay up-to-date on policy changes and regulations as they are posted or distributed.

PROMOTIONS/RECRUITMENT

It is our policy, when appropriate, to promote from within our organization before hiring from outside. When there are openings, qualified employees who have demonstrated a willingness to improve their skills, who have accepted responsibility, who have a good attendance record and who cooperate with supervisors and fellow employees will be given first consideration.

When a full time staff position is to be filled in the Agency, the Human Resource Director shall notify each permanent staff member of that fact through a written Memorandum. This Memorandum shall state the title of the position to be filled and the final date by which staff members should submit their applications for the position (which shall not be less than five (5) business days after the date of the Memorandum,) and to whom the application should be submitted.

Current employees are encouraged to apply for all vacant positions suited to their education, training and experience. Current employees need only to submit a letter of interest to be considered for a vacancy within the time frame limitation.

If no employee submits an application or the Executive Director finds that no such applicant has the necessary qualifications, the position shall be filled from amongst Fulton or Montgomery County residents when possible. It is the policy of the Agency to give preference for job openings to applicants who reside in Fulton and Montgomery counties, but not limit employment to those residents only.

All employees will be promoted under impartial procedures.

Head Start Program

In accordance with 1302.50(4) for the Head Start Program in selecting to fill positions in the Head Start Program, preference will be given to individuals in the following categories:

1. Fulmont employees will be given first consideration as per the “**PROMOTIONS/RECRUITMENT**” section.
2. Parents of economically qualified children enrolled in the Head Start Program.
3. Individuals from target areas who have been trained for child development work through anti-poverty programs.
4. Young people from families who meet the poverty line criteria who have been trained in high school for child development work or college students from economically qualified families who are temporarily out of school.

Those employees designed as Head Start employees must have Policy Council approval before they are hired.

In filing open positions for the Head Start Program, the Executive Director and the Head Start Director must have the approval of the Head Start Policy Council.

Upon employment, Head Start employees will be required to submit to and obtain favorable clearance by the NYS Department of Social Services. The Social Service definitions for persons requiring clearance are as follows:

1. Licensed Day Care Providers
2. Adoptive Parents
3. Foster Parents
4. Residential Treatment Facilities
5. Child Protective Employees (CPS Workers)
6. Providers of services, including but not limited to:
 - Individuals who provide services to any of the above (i.e.; bus drivers, teachers, aides, etc.)
 - Anyone who provides services to and has substantial contact with children

(Amended 9/9/08)

EMPLOYEES ACCUSED OF CHILD ABUSE

Any Head Start employee that is accused of child abuse while either on the job or off the job, will be handled in the following manner:

The following options will be exercised by management pending the outcome of the charges, based upon management's knowledge of the incident and the employee's work history which could include, but not be limited to, length of service and job performance.

1. Suspension with pay.
2. Suspension without pay.
3. Increased supervision of employee.
4. Placement of employee in a position which involves minimal contact with children.

Management's options will involve, but not be limited to, the preceding. Each allegation will be handled on an individual basis with the safety and well-being of the Head Start children in mind. Final decision to be made by the Executive Director.

If the charges are substantiated, management will take disciplinary action up to and including termination.

REIMBURSEMENT OF EXPENSES

In accordance with the provisions of the Agency's budgets, the Agency will reimburse its employees for expenses necessarily and properly incurred for the benefit of the Agency during the performance of their duties and authorized by their supervisor. Such reimbursement shall be paid only upon submission of a properly prepared record of expenditures, supported by receipts where appropriate, signed by the employee and approved by the Fiscal Officer and the employee's supervisor.

Reimbursable expenses shall include the cost of operating the employee's own automobile in the business of the Agency at a specific rate per mile, fees for tolls or parking, telephone and charges for the use of public and commercial transportation.

Employees who operate their own private vehicles for the Agency shall maintain a valid New York State driver's license and must provide the Agency with current and acceptable motor vehicle driving information. Employees shall maintain the New York State required minimum insurance on their

private vehicles. An employee's car insurance will be in effect if an accident occurs with the Agency's liability insurance as a back up. The Agency's liability insurance only provides back-up coverage for the agency and not the employee.

Training expenses are reimbursable to the employee if approved in advance by the appropriate Program Director. Training must be approved by the employee's immediate supervisor before arrangements are made. All training plans and the use of training funds must have prior approval from the departments Program Director. The training must be directly related to the employee's current position or succession planning and be reflected in their professional development plan (Head Start Employees only). Training funds will not be used for long distance travel activities substantially similar to locally or regionally available training activities. Each Program Director will determine if the training is allowable based on the quality of the training and the distance. The Executive Director will determine if the training is allowable for the Program Directors.

Once the above steps have been taken and the training has been secured, the appropriate Program Director for that department must submit a Request for Authorization of Official Travel Form to the Fiscal Office with a purchase order. The employee that will be attending the training will receive and advance to be used for various expenses directly related and necessary for the training (food, taxi, and parking). The employee may also receive an additional check from the fiscal office, requested by the Program Director for hotel accommodations during travel. Any type of transportation (airfare, bus, train) will be arranged and approved in advance by the appropriate Program Director or his/her designee.

Meals and incidentals will be covered by a per diem allowance. The per diem allowance will be established based on the per diem tables located online in the General Services Administration (GSA) website.

Employees are entitled to a per diem for meals and incidentals in advance for each day of the Agency related travel. A partial per diem allowance based on the travel schedule and meals that are provided at no cost, will be included.

Once the employee has returned from the training, they are required to submit a travel voucher form, if applicable outlining all non-per diem expenses incurred during the travel. All required receipts and unused advance must be returned to their immediate supervisor within forty-eight hours (48 hours).

Failure to comply or the submission of false documentation may mean immediate termination of employment.

Failure to comply or the submission of false documentation may mean immediate termination of employment. (Amended 4/3/17)

CONDUCT AND DISCIPLINE

EMPLOYEE CONDUCT STATEMENT

Our reputation for integrity in our dealings has been carefully built over many years. We are recognized as much for our image as we are for the quality of our services. Your conduct outside the Agency reflects on our reputation to the same degree that your performance on the job does, and employment at Fulmont carries with it the responsibility of representing us favorably at all times.

We expect our employees to show concern and consideration for coworkers, customers, and for the community at large, and we encourage your participation in activities that bring credit to our organization.

We expect our employees to conduct themselves effectively, efficiently, and without any consideration for partisan political bias or personal or family favoritism at all times. We expect full staff accountability. We also expect our employees to discharge their duties with competence and integrity at all times.

Employees who engage in activities that are illegal will be subject to disciplinary action, up to and including immediate dismissal.

Personal visits and handling personal business is not encouraged and should be minimal during office hours. (Amended 9/8/08)

ATTENDANCE AND PUNCTUALITY

In order to serve our customers effectively, it is important that you come to work on time each day. In the event that illness or injury prevents your reporting to work as scheduled, it is your responsibility to notify your immediate supervisor ***personally each day*** within the first hour before the start of your scheduled shift. Head Start employees must notify their supervisor as early as possible prior to the start of their work.

If you are going to be late, you must ***personally*** notify your immediate supervisor within the first hour before your scheduled starting time. State the reason for your lateness and your expected time of arrival.

Failure to call in as required is a violation of Agency policy and the absence or tardiness will be considered unexcused, which may result in disciplinary action up to and including discharge. If your supervisor is unavailable, you must contact the Executive Director directly.

In the case of repeated absences or tardiness, you may be required to submit evidence verifying the reason for your absence. Failure to provide the requested substantiation may result in disciplinary action up to and including immediate discharge.

An absence of three or more consecutive workdays without notifying Fulmont will be considered a voluntary quit.

PERSONAL PHONE CALLS

We recognize that employees must sometimes place or receive personal calls on the Agency's telephones. However, the telephone system is intended primarily for the conduct of the organization's business, and it is imperative that personal use not interfere with that purpose.

If you must make a personal call, keep it as brief as possible. Ask callers to keep the number and length of calls to a minimum. Personal calls that exceed employee's allowed lunch or break time, will not be paid by the agency.

CELL PHONES

Use of a hand-held cellular phone to engage in a call while driving is prohibited in New York State, pursuant to Vehicle and Traffic Law Section 1225c; therefore all employees are prohibited from using a hand held phone for calls, texting, browsing while driving any company vehicle. Staff must use hands free option or pull over. (Amended 8/3/26)

SOLICITATIONS OR DISTRIBUTION OF LITERATURE

The distribution of brochures or literature by outside organizations or individuals in any areas of our building or on the surrounding grounds must be approved by the Executive Director.

Employees may only distribute information during non-working hours in non-work areas. Any fund drive for program(s) and/or services offered by the Agency must be approved by the Executive Director or his/her designee.

The sale of candy and raffles and solicitations for contributions to charities are subject to the same restrictions as other solicitations.

These rules apply to all forms of solicitation and distribution and are established to protect the privacy of our employees and the productivity of our organization. Any questions regarding these rules should be referred to the Executive Director.

DRESS

Each employee is expected to dress appropriately for the job. Your supervisor will offer guidance as to the proper attire for your job and may establish special requirements for reasons of safety or public contact. Failure to observe standards of dress will result in disciplinary action.

DISCIPLINE

Disciplinary action will be taken when Agency policies, procedures, or work rules are violated. Such actions may include but are not limited to verbal warnings, written warnings, **deduction of annual or personal leave balances**, suspension, or immediate discharge. Disciplinary action will depend in part on the nature of the violation and on the employee's work record. (Amended 8/3/26)

EMPLOYEE CONDUCT AND WORK RULES

Reasonable rules of conduct are necessary for the orderly, efficient, and safe operation of business. The list below is meant to serve as a guideline for identifying conduct that will result in disciplinary action. It should be noted that many of these standards of conduct are clarified in greater detail in the appropriate section of this employee handbook and in a separate policy manual titled '*Standards Of*

Conduct & Business Ethics Policy

Management and/or other employees, at the discretion of the Executive Director, will be required to sign a receipt that he/she has received the separate policy.

Disciplinary action refers to the issuance of a written warning notice or notices to an employee by supervisory personnel detailing unsatisfactory behavior of an employee.

An employee may be suspended without pay for such length of time as considered appropriate, demoted, or receive verbal and written warning.

This list is not intended to be all inclusive. Management reserves the right to modify work rules and regulations or to establish different or additional rules or regulations as it deems appropriate and necessary at any time.

The following conduct may result in immediate discharge:

1. Disclosing or making available to unauthorized persons any confidential or proprietary information;
2. Rude, abusive, or obscene language or conduct on the Agency's property or otherwise on duty at an offsite location;
3. Fighting or disorderly conduct;
4. Gambling on Agency premises;
5. Harassing, interfering with, or refusing to cooperate with coworkers in the performance of their duties;
6. Tampering, altering, or falsifying time records, or recording time on another employee's time card;
7. Acts of dishonesty or theft;
8. Damaging machinery or equipment, wasting materials, or defacing Agency property;
9. Insubordination or refusal to follow a supervisor's instructions or to perform assigned work;
10. Failure to adhere to the Agency's policies regarding harassment, alcohol and drug abuse, smoking, and safety; and
11. Actions that result in complaints from customers, suppliers, or manufacturers and that affect the Agency's reputation or business.

This list is not all inclusive.

The following conduct will result in disciplinary action, up to and including immediate termination, depending on the seriousness of the offense under the facts and circumstances as determined by

management:

- Repeated absences or tardiness;
- Failure to follow work rules or procedures;
- Failure to complete assigned work in a timely manner;
- Wasting time, loafing, loitering;
- Leaving the work area during working hours without permission;
- Negligence or carelessness
- Unauthorized or improper use of property or machinery, including Agency telephones;
- Abuse of break or meal period privileges;
- Refusal to accept assigned overtime;
- Unsatisfactory work performance;
- Inappropriate dress/appearance and protocol on the job which is detrimental to professional image of the Agency;
- Carrying or flourishing of a deadly weapon; and
- Performing or aiding/abetting criminal, illegal or immoral acts.

This list is not all inclusive.

Depending on the nature of an offense, discussions will often be held between the supervisor and the employee in order to give the employee an opportunity to correct the situation before it becomes necessary for management to issue a written warning. These discussions will be documented and become part of the employee's record.

A written warning notice becomes part of an employee's record and will be taken into consideration when evaluating an employee's performance for purposes of promotion, transfer, future disciplinary action, and continued employment.

FRAUD AND ABUSE

It is the responsibility of each employee of the Agency to report immediately to his/her supervisor and/or Executive Director any instances of irregular practices regarding business or financial practices, programs and service delivery.

The following actions by employees are considered serious violations and shall warrant disciplinary action and/or termination of employment **(This list is not intended to be all inclusive):**

1. Misrepresentation of an employee's income or other material information to qualify for benefits or services provided by the Agency;
2. Knowingly accepting false information from a client so the client may become eligible for programs and/or services for which he/she would normally not qualify;
3. Employees submitting records falsifying services to clients;
4. Acceptance of gift(s) of significant material value from persons seeking services from the Agency; and
5. Using agency funds to pay personal obligations, or using his/her knowledge of programs,

Agency resources and/or donations for personal gain.

OUTSIDE EMPLOYMENT

If an employee is engaged in outside employment and it is determined by management that the outside employment is adversely affecting the employee's work performance or that the outside employment is a conflict of interest with Fulmont, the employee shall be requested to discontinue the outside employment or forfeit employment with Fulmont.

EMERGENCY CLOSING/EARLY DISMISSAL PROCEDURE

In the event that any program or the entire Agency should be closed, notification of this closure will be made on local radio stations. The Executive Director or his/her designee will make the decision regarding any closings or early dismissal.

Compensation During Emergency Closings

In the event of one or more non-health related emergency closings, full time employees will be paid for up to five (5) non-workdays per year. Part time employees will be paid for up to three (3) regularly scheduled non-workdays per year. Once the maximum number of days have been used, any additional days will be charged, at the option of the employee, against personal, vacation, sick or compensatory leave time.

If an employee does not have any of these accumulated days, the employee will automatically be granted "Leave without Pay" for the emergency closing day.

In the case that a public health emergency is declared by a Public Official or an Agency health emergency is declared by the Executive Director or his/her designee, additional paid leave will be available. If an employee is not able to be re-assigned to another location determined by Management, an employee would be allowed up to 10 additional days of paid leave.

If staff members arrive for work and then are sent home due to deteriorating conditions such as snow, loss of heat or other circumstances beyond the Agency's control, they will be paid for the full scheduled work day. If an employee voluntarily chooses to leave, he/she will use his/her own vacation, sick or personal leave time or receive no pay.

(Amended 3/19/20)

PAID UNEXPECTED CRISIS LEAVE

Effective March 19, 2020, if any one of our landlords should close their buildings due to an unexpected crisis, any employee that is not able to be re-assigned to another location would be allowed up to 10 days of paid leave.

Additionally, authority is given to the Executive Director, based upon reliable information and data, to make a decision to close one or all of the Fulmont facilities.

(Added 3/19/20)

PAYMENT AUTHORIZED FOR WAGES AND BENEFITS BY FUNDING SOURCE WHILE DISPLACED FROM NORMAL WORKPLACE

Effective 3/17/20, this policy is to outline the continuation of wages and benefits to agency employees under unexpected and extraordinary circumstances where employees are unable to work in the normal workplace. With funding source approval agency departments will pay agency employees' wages and benefits with current funding source grant awards providing; that employees are normally scheduled to work during the period of such emergency circumstances.

In the event a normally scheduled lay off occurs during the emergency period, payment of wages and/or benefits will cease for that lay off period. Program staff will be paid for their hours that they were regularly scheduled to work (part time, full-time) before the unexpected emergency circumstance. The payment of wages and benefits will continue until the funding source rescinds their approval or provides our agency with an expiration date of their approval to use grant funds for this purpose.

Additionally, agency staff will be required to be available during normal working hours when called upon to deliver services and/or attend agency training/meetings. In the event an employee is not available they will be required to report this to their immediate supervisor and use the appropriate accrued time. If the employee does not have accrued time available, this time will be unpaid.

(Amended 7/02/20)

RESPONSIBILITY FOR OTHER PROCEDURAL STANDARDS

While this employee handbook describes the personnel policies and practices of Fulmont, employees are also responsible for adhering to the operational and procedural standards of their respective jobs and departments, whether these policies are communicated in writing or through on-the-job instruction. Failure to comply with or to meet existing standards will be considered reason for disciplinary action and may result in termination of employment.

BENEFITS

TAX DEFERRED ANNUITIES (TDA)

The agency makes available to all full time employees the option of utilizing a self-investment plan through a 403B - TDA plan. (Amended 3/7/11)

MEDICAL INSURANCE

After ninety (90) days of continuous employment, all full-time regular employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their eligible dependents, subject to the availability of funds.

Hourly Employees:

Hired Prior to April 1, 2010:

- After ninety (90) days of continuous employment, all full-time regular hourly employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- Full-time hourly employees hired prior to April 1, 2010 who are eligible for health insurance will receive individual health insurance at no cost to the employee; however, hourly employees choosing family coverage will be responsible for 50% of the increased premium difference.
- Head Start employees will repay 50% of the health care premium for the summer shut down period if they do not return to the agency for at least thirty (30) days.

Hired After April 1, 2010: (Added 5/3/10)

- After ninety (90) days of continuous employment, all full-time regular hourly employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- Full-time hourly employees hired after April 1, 2010 who are eligible for health insurance shall pay 20% of the premium cost for individual coverage and 50% of the premium cost for family coverage.
- Head Start employees will repay 50% of the health care premium for the summer shut down period if they do not return to the agency for at least thirty (30) days.

Salaried Directors and Associate Directors:

- All Salaried Employees holding a Director or Associate Director's position are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- The agency will pay the entire cost of the premium for any coverage for salaried Directors and Associate Directors of the Agency **hired prior to 8/4/26**. (Amended 8/3/26)

(Amended 2/4/19)

Salaried Employees:

Hired Prior to March 1, 2005:

- After ninety (90) days of continuous employment, all salaried employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- The agency will pay the entire cost of the premium for any coverage for salaried employees hired before March 1, 2005.

Hired After March 1, 2005:

- After ninety (90) days of continuous employment, all salaried employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- Salaried employees hired after March 1, 2005 will receive individual health insurance at no cost to the employee; however, those salaried employees choosing family coverage will be responsible for 50% of the increased premium difference.

Hired After on or after August 4th, 2026

- After ninety (90) days of continuous employment, all salaried employees are eligible to participate in the medical insurance plan to provide coverage for themselves and their family.
- **Salaried employees hired on or after August 4th, 2026 who are eligible for health insurance shall pay 20% of the premium cost for individual coverage and 50% of the premium cost for family coverage**

Additional details on the medical insurance plan can be found in descriptive booklets that are available through the Finance Office.

All full time regular employees that decline coverage because of other health insurance must sign a form stating such in accordance to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). For those employees, hired prior to 1/1/19, who provide proof that they are enrolled in another Health Insurance Plan, the Agency will reimburse them \$263.38 per pay period, not to exceed \$6,847.88 annually. For employees that are hired on and after 1/1/19, who provide proof that they are enrolled in another Health Insurance Plan, the Agency will reimburse them \$134.61 per pay period, not to exceed \$3,500.00 annually. It is against the Agency's policy to provide health insurance to those that are covered by a spouse's policy. (Amended 12/3/18, Effective 1/1/19)

Employees must be on payroll or Workers Compensation or State Disability for the agency to pay health insurance premiums. If an employee has exhausted all sick leave and/or vacation time, they will be responsible for the monthly premium cost after nine (9) months. After the nine (9) month period payment is required ten (10) days before the beginning of the month.

The Agency offers special enrollment periods for employees who declined health insurance coverage due to other insurance at the time of initial enrollment. The special enrollment periods pertain to the loss of other health insurance for a qualifying event such as:

- Death of spouse
- Divorce/Separation

- Result of spouse losing employment
- Spouse's employer eliminating health coverage
- Loss of Medicare, Medicaid, or COBRA
- Open enrollment

Employees must enroll in the Agency's health insurance within 31 days from the date of the qualifying event to be eligible for the special enrollment periods.

DENTAL INSURANCE

Dental insurance is an optional benefit which is available to all part time and full time employees, the 1st of the month following 90 days of employment. The employee pays 100% of the cost. There may be variations in carrier, benefit coverage, cost and eligibility dates based on carrier and employer discretion. (Added 5/3/10)

PAID CANCER SCREENING LEAVE

Employees will be granted up to one day of paid leave from work annually for Cancer Screening. Employees must submit a doctor's note containing the date of the screening for approval of the leave by their supervisor. (Amended 8/5/19)

CONTINUATION OF COVERAGE - COBRA

In certain instances, most employers who sponsor group medical plans are required by federal law to offer employees and their families group rates for temporary extension of medical coverage (called continuation coverage or COBRA), where coverage under the plan would otherwise end.

At the time an employee enrolls in the plan and again when coverage would normally cease, the Agency will provide additional information regarding continuation coverage.

This COBRA coverage will end if the past employee fails to pay premiums in a timely manner, or if Fulmont ceases to provide health care plan(s) for its employees. Past employees will also be allowed to change insurance coverage during "open season" or other qualifying events, as an employee would. All State and Federal regulations governing this practice will be followed, and any changes in such regulations will supersede any policies put in place by the Board. Additionally, and changing of plans is only with the approval of each particular insurance company.

Health Insurance coverage may be extended to past employees as follows: Currently the COBRA law requires extension of benefits, through self-pay, to past employees for a maximum of thirty-six (36) month period. The schedule of payments will be set by the Fiscal Office. All payments by past employees will be subject to an administrative fee. (Added 5/3/10)

Continued Coverage for Retirees

Full time and eligible salaried employees of Fulmont are eligible to continue their coverage for themselves and their spouse after retirement. They must be enrolled in Fulmont's health insurance as an

active employee for the entire year before retirement in order to be eligible. The spouse needs to also be covered for the entire year prior to retirement in order to be eligible. Additionally, when they become eligible for Medicare, they must enroll in Parts A, B and D. Each retiree will pay their own premium which also includes an administrative fee. Retirees are allowed to change plans during the annual open enrollment period. Continuation in the retiree plan is contingent on: premiums being paid on a timely basis by the retiree. Coverage will also end if: Fulmont discontinues its retiree health insurance plan or health insurance for all employees; the insurance carrier ceases to allow this practice. (Added 5/3/10)

LIFE INSURANCE

Group Life Insurance is provided for all eligible employees according to their length of service with Fulmont. Coverage amounts will be explained at the time coverage becomes available.

All full-time regular employees are eligible for coverage effective the 1st of the month following ninety (90) days of continuous employment. The entire cost of this coverage is paid by the Agency.

Life insurance will be provided to part time employees working at least twenty (20) hours per week. (Amended 6/5/06).

SHORT-TERM DISABILITY

If you are disabled for more than seven days because of an illness or injury unrelated to work, you may be eligible to receive partial replacement of lost wages. The disability must be verified by a physician and the paperwork filed in a timely manner. Fulmont shares the expense with employees, as allowed by law.

While you are out on a disability leave, it is your responsibility to make arrangements with the Human Resource Manager to continue the medical insurance coverage.

For a period of nine (9) months, while an employee is out of work due to an illness or injury unrelated to work, Fulmont will continue to pay the employer portion of the employee's health care premium. Employees are responsible for their portion of the health care premium and must make arrangements to do so.

After the nine (9) month period, you will be given the opportunity to continue your medical insurance coverage under the COBRA regulations. Payment of your health insurance coverage is required ten (10) days before the beginning of the month.

NURSING MOTHERS

Nursing mothers requiring time to express breast milk for the nursing child (up to 3-years from the birth of the child) will be paid up to thirty (30) minutes every time an employee has a reasonable need to express milk. Nursing mother cannot be required to work during this time, use their paid break, or unpaid lunch period. Arrangements must be made in advance with their immediate supervisor for

adequate privacy and a set time. Breastfeeding the child on site is not permitted. (Updated 6/4/24 in accordance with NYS Labor Law-Section 206-c)

LEAVE FOR BLOOD DONATION

Employees wishing to donate blood may take up to three (3) hours in leave time to donate. Leave Time must be approved and scheduled in advance with the employee's Program Director. Leave time may not exceed 3-hours in any 12-month period unless approved by the Executive Director. (Amended 9/8/08 in accordance with NYS Labor Law Section 202-j)

WORKERS' COMPENSATION

You are protected by the Workers' Compensation Act of New York. If you suffer a work-related injury or illness, you are eligible for income replacement and for payment of medical costs incurred as a result. Fulmont pays the full premium for this coverage as part of our employee benefits program.

For a period of nine (9) months, while an employee is out of work due to a work-related injury or illness, Fulmont will continue to pay the employer portion of the employee's health care premium. Employees are responsible for their portion of the health care premium and must make arrangements to do so.

After the nine (9) month period, you will be given the opportunity to continue your medical insurance coverage under the COBRA regulations. Payment of your health insurance coverage is required ten (10) days before the beginning of the month.

TUITION ASSISTANCE PROGRAM

Fulmont provides tuition assistance to employees who wish to, or are required to take a work-related college course or educational seminar.

The course must be approved in advance by the Executive Director. Reimbursement will be made for the approved courses, and related materials such as textbooks, upon submission of proof of successful completion of the course. If an employee is required to take a college course, as determined by management, the Agency will pay for the course and other related expenses in advance.

SOCIAL SECURITY

The United States Government operates a system of mandated insurance known as Social Security. As a wage earner, you are required by law to contribute a set amount of your weekly wages to the trust fund from which benefits are paid. As your employer, Fulmont is required to deduct this amount from each paycheck you receive. In addition, Fulmont matches your contribution, dollar for dollar, thereby paying one-half of the cost of your Social Security benefits.

VACATION / ANNUAL PAY

Fulmont recognizes that employees need periods of rest and relaxation, and grants vacation/annual time with pay to eligible employees.

Full-time regular employees, after three months of continuous employment, are eligible for vacation/annual pay according to the following guidelines:

Years of Employment	Hours Earned Per Pay Period	Maximum Allowance Per Year
0 - 5	2.7	70.2 hours
5 - 10	5.0	130 hours
10 +	7.0	182 hours

Upon completion of three months of service, employees are eligible to take the time earned.

All use of vacation/annual time must have prior approval of your immediate supervisor. Employees shall be granted earned vacation/annual leave upon submission of a request form approved by their immediate supervisor.

If a designated holiday falls during your vacation/annual period, you are entitled to another vacation/annual day equal to the number of hours you normally work in a day.

You will be paid for vacation/annual time on the regularly scheduled payday that falls within the vacation/annual period.

Vacation/annual time accrual cannot exceed more than an employee can earn in one (1) year. Exceptions to this rule can only be made at the discretion of the Executive Director.

Under no circumstances will any employee be allowed to take vacation time before it is earned.

Any unused accrued vacation/annual **will** be paid upon separation of employment in accordance with the following policy: Salaried/Exempt employees are required to resign in good standing (four (4) weeks notice) to receive payment for any accrued vacation/annual time unless prior approval is received from the Executive Director. Additionally, Salaried/Exempt employees terminated for cause will not receive payment for any accrued vacation/annual time. Hourly employees will be paid for any unused vacation/annual time upon resignation or termination. If an employee of the Head Start program decides not to work after summer layoff they must notify their immediate supervisor four (4) weeks in advance. If they do not give four (4) weeks notice, they will not receive their accrued vacation/annual time and also will not leave the agency in good standing. (Amended 6/5/06).

Employees with up to five (5) years service may sell back up to ten (10) days of accrued vacation/annual leave per year. Employees with five (5) years or more of service may sell back up to fifteen (15) days of accrued vacation/annual per year. Employees will only be allowed to sell back vacation/annual time in no less than 7 hour blocks. Employees wishing to participate must get a signed approval sheet from their supervisor and submit it with their time sheet for payment on the next scheduled pay day. These payments are subject to the availability of program funds.

(Amendment for non-unionized employees, 3/7/11 and unionized employees, 7/31/13):

Employees with ten (10) years or more of service may sell back up to twenty-five (25) days of accrued vacation/annual time per year. Employees will not be allowed to sell back less than seven (7) hours of vacation/annual time.

HOLIDAYS

Fulmont observes the following holidays:

New Year's Day
Martin Luther King's Day
President's Day
Memorial Day
Juneteenth (June 19th)
Independence Day (July 4th)
Labor Day

Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Day After Thanksgiving
Last Full Day Before Christmas
Christmas Day
Day after Christmas

If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a Holiday falls on a Sunday, it shall be observed on the following Monday.

All full time regular employees will be paid for designated holidays according to the following guidelines:

1. You must be on the payroll the day before and the day after the holiday; and
2. Pay in lieu of holidays will not be granted.
3. Part time employees may observe five (5) holidays of their choice with pay at their regular rate and hours scheduled. All holidays must be pre-arranged and approved by your supervisor.

(Amended 8/3/26)

PAID PERSONAL TIME OFF – Unionized Head Start Employees Only

Full Time Leave Credits: (Amended 1/1/25)

Fulmont offers up to twenty-eight (28) hours per year of paid time to tend to personal business. Personal time is available to all full time regular employees, after ninety days of continuous employment. The 28 hours will be allocated on the first of each year. These hours are pro-rated according to hire date for anyone hired after the new year and calculated based on the remaining pay periods for the current year.

Personal time off must be arranged at least twenty-four (24) hours in advance with the Executive Director or Program Director and cannot be carried over to the following calendar year. The Agency will not make payment in lieu of personal time off.

Under no circumstances will any employee be allowed to take personal time before it is earned. Unused personal time **will not** be paid on termination of employment.

Part Time Leave Credits: (Amended 5/6/13)

On January 1 of each year, part-time employees who are regularly scheduled to work at least fifteen (15) hours per week shall be credited with leave accruals to provide for paid leave for the calendar year according to the following schedule:

Hours Per Week

15-19
20-24

Hours Earned Per Year

6.5
10

25-29
30-34

14
20

New employees must wait ninety (90) days from the date of initial hire before they can use personal hours. Employees must be regularly scheduled to work at least fifteen (15) hours per week in order to receive personal hours. A new part-time employee shall receive prorated personal hours in the year hired.

If the employee wishes to use personal hours for the purpose of personal or family illness, no prior approval is required. If the employee wishes to use personal hours for any purpose other than personal or family illness, prior approval is required, provided that use of personal hours for any purpose other than personal or family illness shall not be unreasonable denied.

Prior to January 1st of each year, Fulmont shall review the part-time employee's average weekly earnings of hours worked for the purpose of crediting additional personal hours for extra work performed during the prior year. The crediting of additional personal hours shall be based on actual hours of work, excluding holiday and personal leave time. If the average weekly earning of personal hours for the prior year exceeds the employee's regularly scheduled hours per week for the prior year, Fulmont shall credit the employee with personal hours for the new calendar year the difference between their actual hours worked and what the employee should have earned based on the actual number of hours worked.

There is no cash payout of the personal hours provided under this provision on separation of service. Part-time employees shall be eligible to sell back personal time. Time received under this section not used or sold back within the calendar year it is earned shall be forfeited.
(Amended 12/3/18, Effective 1/1/19)

PAID PERSONAL TIME OFF : Non-Unionized Employees Only

Full Time Leave Credits: (Amended 1/1/25)

Fulmont offers up to forty-nine (49) hours per year of paid time to tend to personal business. Personal time is available to all full time regular employees, after ninety days of continuous employment. The 49 hours will be allocated on the first of each year. These hours are pro-rated according to hire date for anyone hired after the new year and calculated based on the remaining pay periods for the current year.

Personal time off must be arranged at least twenty-four (24) hours in advance with the Executive Director or Program Director and cannot be carried over to the following calendar year. The Agency will not make payment in lieu of personal time off.

Under no circumstances will any employee be allowed to take personal time before it is earned. Unused personal time will not be paid on termination of employment.

Part Time Leave Credits:

On January 1 of each year, part-time employees who are regularly scheduled to work at least fifteen (15) hours per week shall be credited with leave accruals to provide for paid leave for the calendar year according to the following schedule:

Hours Per Week

Hours Earned Per Year

15-19

13

20-24

20

25-29

28

30-34

40

New employees must wait ninety (90) days from the date of initial hire before they can use personal hours. Employees must be regularly scheduled to work at least fifteen (15) hours per week to receive personal hours. A new part-time employee shall receive prorated personal hours in the year hired.

If the employee wishes to use personal hours for the purpose of personal or family illness, no prior approval is required. If the employee wishes to use personal hours for any purpose other than personal or family illness, prior approval is required, provided that use of personal hours for any purpose other than personal or family illness shall not be unreasonable denied.

Prior to January 1st of each year, Fulmont shall review the part-time employee's average weekly earnings of hours worked for the purpose of crediting additional personal hours for extra work performed during the prior year. The crediting of additional personal hours shall be based on actual hours of work, excluding holiday and personal leave time. If the average weekly earning of personal hours for the prior year exceeds the employee's regularly scheduled hours per week for the prior year, Fulmont shall credit the employee with personal hours for the new calendar year the difference between their actual hours worked and what the employee should have earned based on the actual number of hours worked.

There is no cash payout of the personal hours provided under this provision on separation of service. Part-time employees shall be eligible to sell back personal time. Time received under this section not used or sold back within the calendar year it is earned shall be forfeited.

(Amended 12/3/18, Effective 1/1/19)

PAID SNOW LEAVE TIME OFF – Unionized Head Start Employees Only

Effective 1/1/19, unionized Head Start employees will receive three paid snow days per calendar year.

Snow days will be determined by site and declared by the Head Start Director or designee.

Approved snow leave time will be paid at their regular rate and hours scheduled. No waiting period is required prior to the use of approved snow leave time.

There is no cash payout of the snow leave time provided under this provision on separation of service. Time received under this section not used within the calendar year it is earned shall be forfeited.

(Amended 12/3/18)

PAID OTHER LEAVE TIME OFF

Other leave is paid time off for employees that does not qualify as holiday leave, sick leave, annual/vacation leave, personal leave, snow leave, bereavement leave, or jury duty leave.

It may be used for an emergency closing, as referred to previously under the Emergency Closing/Early Dismissal Procedure, as well as any other time as determined by the Executive Director. (Amended 12/3/18)

SICK PAY

Fulmont provides replacement pay in the event that you are unable to work due to sickness, injury or other permitted reasons as outlined in the NYS Paid Sick Leave located at <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave>.

If necessary, agency computer/internet may be accessed to view the permitted uses of sick leave.

Full time regular employees shall accrue sick leave at a rate of 3.5 hours per pay period, equal to a maximum of thirteen (13) days per year for occasional absence.

Part time regular employees shall accrue sick leave at a rate of 1.0 hour for every 30 hours that they worked beginning 9/30/20, as implemented by New York State Paid Sick Leave. Use of the sick leave accruals is effective 1/01/21 as implemented by NYS Paid Sick Leave.

If an employee is off sick for three (3) consecutive days, he/she may be required to submit an attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to. The Agency reserves the right to require the employee to be seen by another attending physician selected and paid for by the Agency, at its discretion and to the extent permitted by law.

Sick leave may be carried over to each calendar year. There is no payment in lieu of sickness, or upon termination.

Employees shall accrue sick leave from the date of employment and utilize their accrued sick leave with no waiting period.

Under no circumstances will any employee be allowed to take sick time before it is earned.

(Amended 3/1/21, Effective 1/1/21)

PAID PRENATAL LEAVE:

Fulmont will provide pregnant employees up to 20 hours of paid prenatal time off during a 52-week period, as part of NYS sick leave, to be used for doctors' appointments, procedures, other types of prenatal care.

Paid Prenatal Leave may not be carried over after the 52-week period. There is no payment of unused prenatal leave upon termination.

LEAVES OF ABSENCE

BEREAVEMENT LEAVE

Fulmont provides full time employees up to three (3) days of paid bereavement leave to attend the funeral of a member of their immediate family. Immediate family is defined as:

<i>Mother</i>	<i>Grandmother</i>	<i>Sister-in-law</i>
<i>Father</i>	<i>Grandfather</i>	<i>Brother-in-law</i>
<i>Sister</i>	<i>Granddaughter</i>	<i>Daughter-in-law</i>
<i>Brother</i>	<i>Grandson</i>	<i>Son-in-law</i>
<i>Wife</i>	<i>Daughter</i>	<i>Aunt</i>
<i>Husband</i>	<i>Son</i>	<i>Uncle</i>
<i>Mother-in-law</i>	<i>Father-in-law</i>	<i>* Significant Other</i>
<i>Step Parents</i>	<i>Step Children</i>	<i>Step Siblings</i>
<i>1ST Cousin</i>	<i>Niece</i>	<i>Nephew</i>

** The employee's significant other who resides in the household.*

The employee requesting such bereavement leave shall provide proof of a committed relationship, such as a joint deed, joint bank account, joint lease or joint mortgage. (Amended 8/5/13)

For part time employees, up to three (3) days of paid bereavement leave only for a spouse, child, parent, sibling, grandparent, step-parent, mother-in-law, father-in-law or significant others with proof of a committed relationship, such as a joint deed, joint bank account, joint lease or joint mortgage. (Amended 8/5/13)

Employees should notify their supervisors as soon as possible of their need for a leave. They may be required to provide evidence of the need to take bereavement leave. (Amended 11/5/07).

CIVIC DUTY LEAVE

Absence for the purpose of serving on a jury and honoring a subpoena regarding employment with the Agency will be considered an excused absence. The Agency will make up the difference between jury-duty fees and the wages you would have ordinarily received under your regular work schedule. You are required to return to work for the remainder of any day that you are not required to serve.

Employees must submit any reimbursement for such responsibilities, exclusive of mileage and meal reimbursement, immediately to the Agency upon their return to work.

Civic Duty Leave shall **not** be granted for court appearances in which the employee is a plaintiff or defendant, or is being paid as an expert witness. In such cases, vacation or personal leave should be used. The Agency shall deduct appropriate amounts from the pay of any employee who fails to comply with this provision.

MILITARY LEAVE

Employees who perform and return from military service in the armed services, the military reserves, Coast Guard, or National Guard will be reinstated by the Agency to a position as provided by applicable state and federal statutes.

A military leave of absence will be granted to an employee to complete training, to complete a fitness for duty examination, or to serve active duty in any branch of the uniformed services of the United States. Leaves and reemployment rights will normally be granted for a period of not more than five years accumulated service. Certain periods of service are exempt from this five-year total.

You must notify the Executive Director of the need for a military leave of absence as soon as the need for such leave is known. Agency benefits will be continued during a military leave in the same manner that they are continued under the most generous leave of absence policy provided by Fulmont.

A full time regular employee, who is a member of the National Guard or any active Military Reserve Unit shall be allowed up to two (2) weeks paid leave for the purpose of military training, upon written request submitted to the Program Director.

At the time a leave is requested you will be informed of any conditions for continuing applicable Agency benefits during your leave.

Upon release from military service under other than disqualifying conditions and upon timely notice of your intent to return to work, the Agency will reinstate you as required by law, unless the Agency's circumstances have changed to the extent that it would be impossible or unreasonable to provide reemployment. The time period within which you must report to work or reapply for work varies according to your length of service. You will be advised of the applicable deadline at the time the leave is requested.

Employees with questions about their rights and obligations under a military leave of absence, continuation of benefits, and reemployment should contact the Executive Director.

VOTING LEAVE

In accordance with NYS Law, employees are entitled to "voting leave" if they are registered voters and they do not have at least four (4) consecutive hours in which to vote, either between the time the polls open and the start of their work day or between the end of their work day and the time the polls close. These employees are entitled to take up to two (2) hours of paid leave. They also may take an additional two (2) hours of unpaid leave, if necessary, to have four (4) consecutive hours off while the polls are open. If an employee wishes to take voting leave, the employee must provide at least two (2) days notice, but not more than ten (10) days before Election day. (Added 5/3/10)

FAMILY AND MEDICAL LEAVE

As required by the Family and Medical Leave Act of 1993, Fulmont will grant 12 weeks of unpaid leave per 12-month period to employees who have completed one year of service and who have worked at least 1,250 hours in the last 12 months. Fulmont will use a rolling 12-month period measured backward as the year. Leave may be taken for the following reasons:

1. The birth of a son or daughter
2. The placement of a son or daughter through adoption or foster care
3. To care for a spouse, child, or parent with a serious health condition
4. A serious health condition that renders an employee unable to perform his/her job
5. Any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an
6. Impending call or order to active duty in the Armed Forces in support of a contingency operation.*
7. An eligible employees who is the spouse, son daughter, or parent, or next of kin of a covered service member to care for the service member.

Employees must notify their supervisors of the need for leave as soon as the employee knows that leave time will be required. Whenever possible, at least 30 days notice is required if the leave is to be taken for the birth of a child, or for the placement of a child through adoption or foster care, or for foreseeable medical treatment. Fulmont will require certification of the need for leave. When leave is needed because of a serious health condition, certification must be furnished by the doctor who is providing medical attention to the patient. The certification must include the following information:

1. Date the condition commenced
2. Probable duration of the condition
3. Appropriate medical facts to support that the patient has a serious health condition
4. A statement that the employee is needed to provide care for a family member
5. An estimate of the time that the employee will be needed to provide care

When appropriate, the following information is also required:

A statement that the employee is unable to perform the functions of his/her job
 An estimate of the duration of the condition that prevents the employee from working

The Agency may require verification of the need for leave by requesting that the employee seek a second medical opinion. If the Agency requires a second medical opinion, the Agency will select a physician and pay for the cost of obtaining the second opinion. If the first and second medical opinions differ, Fulmont may require a third medical opinion. If a third opinion is necessary, Fulmont and the employee will jointly select a physician and Fulmont will pay the cost of obtaining the third opinion. Failure to obtain a second or third medical opinion when required will result in denial of the request for leave.

Leave will be granted on an intermittent or reduced-schedule basis if the nature of the medical condition and the scheduling of medical treatment requires it (as might be required, for example, by chemotherapy or radiation treatment for cancer patients). The employee must make a reasonable effort to schedule leave so as not to disrupt the Agency's business operations.

Leave to care for a new child must be completed within 12 months of the birth or placement of the child.

While an employee is on FMLA leave, Fulmont will continue to pay the employer portion of the employee's health care premium. Employees are responsible for their portion of the health care premium and must make arrangements to do so.

Employees are required to use available vacation time and personal or banked time while on leave to care for a new child. If the leave is to care for a sick child, parent, spouse, or for the employee's own illness, available sick time must also be used. If leave is taken because of the employee's own serious health condition for which he/she is receiving workers' compensation, disability, or other income replacement benefits, paid leave cannot be used.

While on leave employees are required to contact their supervisor at least once every four (4) weeks.

When leave is taken because of the employee's illness, he/she must present a "release to work" from the attending physician in order to return to work.

Whenever possible, employees who return at the end of the approved leave will be restored to the position they held when the leave began. If the same position is not available, the employee will be restored to an equivalent position. The only exception to this policy of restoration may be made for salaried employees who are within the 10% most highly compensated employees of Fulmont.

Whenever there is a question of definition of a term used in this policy, the definitions used in the Act will apply. (Revised 9/8/08 in accordance with 29CFR825 Family and Medical Leave Act)

- 2008 Amendments to the Act allow up to 26-workweeks of leave during a 12-month period for service members eligible under the Act. Fulmont will abide by the specific provisions relating to service members, spouses, and next of kin. Contact the Finance Office for further information.

UNPAID LEAVE OF ABSENCE

Depending on the circumstances, a personal leave of absence may be granted without pay. Any request for such a leave must be in writing and must state specifically the start date and return date as well as the reason for the leave. Leave of absence for personal reasons may not exceed ten (10) work days unless otherwise granted by the Executive Director for extenuating circumstances. (Amended 9/2025)

Approval of a personal leave of absence will be at the discretion of the Executive Director.

No sick leave or annual leave credit may be earned while an employee is on leave of absence without pay.

PAID FAMILY LEAVE

Beginning January 1, 2018, the New York State's Paid Family Leave (PFL) program will provide employees with wage replacement during time away from their job in order to bond with a child within the 12 months after the birth of the child or placement of the child for adoption or foster care with the employee, to provide care for a close relative (defined as child, parent, parent-in-law, grandparent, grandchild, spouse or domestic partner) with a **serious health condition** (an illness, injury, impairment, or physical or mental condition that involves: Inpatient care in a hospital, hospice or residential care facility; or continuing treatment or continuing supervision by a health care provider), or to help provide family assistance or relieve family pressures when a spouse, domestic partner, child, or parent is called

to active military service.

“Child” includes adopted and foster children, step-children, and any other legal ward of the employee. “Parent” includes biological and adoptive parents, in-laws and step-parents or someone who was your legal guardian.

Eligibility: To be eligible for Paid Family Leave, employees must have been employed full-time (a regular work schedule of 20 or more hours per week) for 26 weeks or part-time (a regular work schedule of less than 20 hours per week) for 175 days by a covered employer, at the time they apply for benefits. Paid Family Leave will run concurrently with FMLA. Employees cannot receive PFL and temporary disability or workers’ compensation benefits at the same time. An employee may choose whether to charge all or part of the family leave time to unused vacation/personal leave and receive full salary; or, to not charge benefit time and receive the benefit provided (a salary percentage) as set forth below.

To be eligible, employees must present certification from a health care provider treating the family member. For adoption and foster care of child, documentation is also required. Employees must provide at least 30 days advance notice of their intention to use Paid Family Leave, or if the event was not foreseeable, notice must be provided as soon as practicable.

Coverage: Income replacement will be paid for by an insurance policy procured by the Agency on behalf of the employees, **the full cost of which will be paid by payroll contributions of the employee.**

Phase-in Schedule: The new policy will be phased in over four years, beginning January 1, 2018. A chart detailing the phase-in schedule during the four-year period is below:

Year	Max # of Weeks (in 52-week period)	Percentage of Employee Salary	Cap Percent of the State Average Weekly Wage
1/1/2018	8	50%	50%
1/1/2019	10	55%	55%
1/1/2020	10	60%	60%
1/1/2021	12	67%	67%

Leave may be taken in daily or weekly increments. Intermittent leave may be taken, but not in less than full day increments.

Cost:

Maximum employee contribution will be set each year by the New York State Department of financial services as a percentage of the employee’s overall wages.

Family and Medical Leave Act and Paid Family Leave: The provisions of the New York State Paid Family Leave program and the Federal Family and Medical Leave Act are not the same. However, to the extent that an employee is eligible for leave under both statutes, the leave must be taken concurrently.

Job and Benefit Protection

Leave taken under this Policy is job protected. The employee who takes qualifying leave under the New

York State Paid Family Leave law must be restored to the same or a comparable position upon returning from the approved leave. Employees are not to be discriminated or retaliated against for using paid family leave benefits.

While on leave under this Policy, employees will continue to receive existing health insurance coverage, so long as the employee continues to pay their share of health insurance premiums. If the employee fails to pay their portion of the premium payments as required, they may lose coverage of health insurance.

(Amended 12/4/17)

VEHICLE USE POLICY

OVER NIGHT PARKING

All Fulmont vehicles will be parked over night, when not in use, in areas designated by the Executive Director. These areas shall include, but are not limited to the following:

- Fulton County Office for the Aging, William Street parking lot, Johnstown
- Montgomery County secured compound on Park Street, Fonda
- The facilities of a service facility performing service on a Fulmont vehicle.
- The residence of a Fulmont employee conducting official business that necessitates the vehicle being at that residence, i.e.; attendance at an out of town seminar the following day, or for other purposes as approved by the appropriate Program Director or Executive Director.

REPAIRS

All repairs to Fulmont vehicles shall be performed only by qualified repair/service facilities such as NYS licensed repair facilities or the Montgomery or Fulton County Departments of Public Works. No repairs are to be made to Fulmont vehicles by any employees or volunteers.

DRIVERS LICENSES

Anyone operating a Fulmont vehicle, other than those employed by repair facilities described under REPAIRS, shall provide proof of NYS License of the proper class for the vehicle operated by the individual.

DRUG & ALCOHOL TESTING POLICY

Any drivers requiring a Commercial Drivers License (CDL) to operate Fulmont vehicles will be subject to any Fulmont Personnel Policies or State and Federal regulations regarding drug and alcohol testing.

VOLUNTEERS

Those individuals recognized as volunteers to Fulmont will be allowed to operate Fulmont vehicles after having met the requirements described under DRIVERS LICENSES, and having received approval of the Executive Director. Those considered as volunteers include but are not limited to the following:

- Fulmont Board of Directors members
- Neighborhood Advisory Council members
- Head Start Advisory Council members
- Any other recognized volunteer approved by the Executive Director

SAFETY

Any unsafe vehicle conditions shall be reported to the appropriate Program Director or the Executive Director. These conditions will be investigated by either of these parties and if necessary, the suspect vehicle shall be serviced/repared as outlined under REPAIRS.

Drivers are responsible to report and complete the vehicle incident/accident report when necessary.

PROHIBITIONS

The use of any Fulmont vehicle in conflict with any of the previously stated policies is prohibited. Additionally, the following is prohibited:

- Use of Fulmont vehicles by employees for personal profit making purposes
- Violation of any NYS Vehicle and Traffic laws

VIOLATIONS

Any moving or standing violations will be the responsibility of the driver at the time of the incident.

DRUG USE POLICY

Fulmont will not condone the use of illegal drugs or intoxicants by its employees while on the job at any time. Any employee found to be using illegal drugs or intoxicants while operating a Fulmont vehicle through conviction by a Court of law, drug/alcohol testing or other legal means will be subject to disciplinary action up to and including immediate termination of their employment.

STAFF/BOARD COMMUNICATIONS POLICY

The purpose of this policy is to establish methods, purposes and guidelines for staff and Board of Directors communications.

Staff and Board members may utilize the following methods to communicate with each other regarding agency business:

- Participation at Committee or Board meetings. Usually the Program Director or designee attends for the purpose of explaining the particulars of a budget or funding /refunding application or to discuss the amendment to a policy. These staff members are invited by the Executive Director.
- Monthly Board Reports. Each program prepares monthly reports outlining outcomes and other activities for each month. These are prepared by the respective Program Director, Finance Director and Deputy Executive Director. Any reports prepared by other staff must be approved by their Program Director. These are forwarded to the Executive Secretary for inclusion with the monthly mailing to each Board member.

Fulmont Community Action Agency, Inc. (FCAA) and the Executive Director recognize and agree that the members of the Board of FCAA should not communicate on matters relating to the operation of FCAA, its policies, practices and procedures, directly with staff members without prior knowledge and consent of the Executive Director; nor are members of the Board authorized to give operational instructions to staff personnel, nor to communicate directly with project components.

Likewise, staff members are not to contact Board members regarding Fulmont business without the consent of the Executive Director. The only other Fulmont related communications that staff may have with Board members may be those methods as outlined in any agency policies.

Any Board member entering any of our facilities are to report their presence to the Executive Director before visiting any staff at any of our sites. This excludes policy Council members and Neighborhood Advisory Council members who are acting in that capacity or consumers participating in our services.

PUBLIC RELATIONS POLICY

PURPOSE

To define who is responsible for speaking on behalf of Fulmont Community Action Agency, Inc. in the public arena or to the news media.

DEFINITION

Public relations shall include but not be limited to the following:

- Release of written (news release) or verbal communications to any form of news media.
- Appearance on any television or radio broadcasts.
- Presentations or public comments in a public or private forum, ie., public group meetings, news conferences, private group meetings, or any other representation on behalf of the agency or its Board of Directors.

AUTHORIZATION

The Chairman of the Board of Directors or his designee only shall be authorized to represent the Board of Directors in matters relating to the Board;

The Executive Director or his designee only shall be authorized to represent the agency in public relations matters relating to the agency or its operations.

WHISTLEBLOWER POLICY

Policy on Reporting and Investigating Allegations of Suspected Improper Activities

PREAMBLE

Fulmont Community Action Agency (FCAA) has a responsibility for the stewardship of its resources and the public and private support that enables it to pursue its mission. FCAA is committed to compliance with the laws and regulations to which it is subject and promulgating its policies and procedures to interpret and apply these laws and regulations in the Association setting. Laws, regulations, policies and procedures strengthen and promote ethical practices and ethical treatment of those in community action and those who conduct business with FCAA.

GENERAL

FCAA'S Code of Ethics and Conflict of Interest Policy require Directors, officers, employees, and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities and to comply with all applicable laws and regulations.

ADMINISTRATION

The Executive Director shall have responsibility for the administration of the Whistleblower Policy and shall be responsible for reporting any alleged violations or questions, concerns, suggestions, or complaints to the Board of Directors, as necessary.

REPORTING RESPONSIBILITY

It is the responsibility of all Directors, officers, employees, and volunteers to comply with the Code of Ethics and the Conflict of Interest Policy and to report violations or suspected violations in accordance with this Policy.

NO RETALIATION

No Director, officer, employee, or volunteer who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within FCAA prior to seeking resolution outside of the organization.

REPORTING VIOLATIONS

This Policy is meant to be construed as an open door policy and suggests that Directors, officers, employees, and volunteers share their questions, concerns, suggestions or complaints with the Executive Director who can address them properly. In the event that a Director, officer, employee, or volunteer is not comfortable speaking to the Executive Director or is not satisfied with the response, the individual may bring his or her concern or complaint to the Board Chairperson.

ACCOUNTING AND AUDITING MATTERS

The Finance Committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Executive Director shall immediately notify the Finance Committee of any such complaint and work with the Committee until the matter is resolved.

ACTING IN GOOD FAITH

Anyone filing a complaint concerning a violation or suspected violation of the Code of Conduct or Conflict of Interest policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of FCAA's Code or policies. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and may be considered a violation of the Code of Ethics.

CONFIDENTIALITY

Violations or suspected violations may be submitted on an anonymous or confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

HANDLING OF REPORTED VIOLATIONS

Any manager who learns of a complaint that is filed will share it with the Executive Director, who will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken, if warranted, by the investigation.

DISTRIBUTION POLICY

The Whistleblower Policy is required to be distributed to all Directors, officers, employees, and volunteers who provide substantial services to the agency. (Amended 4/2/18)

CONCLUSION

SEPARATION FROM EMPLOYMENT

Exit interviews may be conducted with the employee to allow opportunity to discuss employee and Agency belongings and procedures for leaving the Agency's premises. All keys, supplies, Identification cards and other property will be turned over upon separation.

Continued insurance coverage at the employee's expense, in accordance with COBRA regulations, and related matters shall be handled during the exit interview with the Executive Director and designated supervisors.

Employees who resign or are discharged will receive their final paycheck on the next scheduled payday.

Resignations

To resign in good standing, all exempt staff shall give twenty (20) business days (4 weeks) notice of resignation. Non-exempt staff shall give ten (10) business days (2 weeks) notice of resignation.

The resignation time period may be shortened, where deemed mutually beneficial and/or advantageous to the employee and the supervisor, subject to the approval of the Executive Director and Head Start Policy Council where applicable. Hourly employees, to resign in good standing, must give two (2) weeks notice.

Terminations

Termination of employment may occur as a result of direct violations of any and all provisions of the Agency's personnel policies and procedures manual, as well as for unsatisfactory job performance, work habits or misconduct. All terminations must be approved by the Executive Director and the Head Start Policy Council where applicable. Please refer to **CONDUCT AND DISCIPLINE** for guidance.

REFERENCES

No references for past or current employees are to be issued by anyone other than the Executive Director or his/her designee.

CONFLICT RESOLUTION PROCEDURE

Employees of the Agency shall have the right to present grievances, free from interference, discrimination or reprisal from management. However, it is encouraged that all employees attempt to informally resolve conflicts in the workplace through informal direct communications prior to a formal grievance being filed.

Step #1: An employee shall present the State of Concerns to his/her immediate supervisor within five (5) working days of the action. The immediate supervisor shall have five (5) working days to respond in writing and/or meet with the employee in an effort to resolve the concern(s).

Step #2: If the employee is not satisfied with the disposition by the immediate supervisor, he/she

can present it to the next level of supervision within five (5) working days. The next level of supervision shall act upon the grievance within five (5) working days.

Step #3: If a satisfactory solution cannot be made, the matter should be referred to the Executive Director or designee, who shall respond in writing within five (5) working days. The Executive Director or designee may, at his/her discretion, hold an informal meeting(s) in an effort to resolve the matter. The Decision of the Executive Director shall be final and binding.

Failure of the supervisor(s) to observe the time limit for any step will entitle the employee to advance the grievance to the next step. Failure of the employee to observe the time limits shall constitute grounds for termination of the grievance process. Time limits specified herein may be extended by mutual agreement between the parties in writing. (Amended 8/1/16)

CRIMINAL BACKGROUND CHECKS

Fulmont reserves the right to conduct criminal background checks on employees holding positions that are to be considered "sensitive". These positions may include but are not limited to the following:

- Executive Director
- Day Care positions (Head Start)
- Bookkeeper (Fiscal Office)
- Anyone handling cash or Food Stamps
- Any other positions requiring such a check at the discretion of the Executive Director

FURTHER INFORMATION

Good communications are an important part of an Agency's relationship with its employees. We encourage you to express your feelings and voice your ideas about our operations, and we will likewise keep you informed of developments and changes as they occur.

If you have a question that is not answered in this handbook or if you would like further information, please speak with your immediate supervisor or with the Executive Director. They will address your concerns or will direct you to someone who can.

PROPER USE OF COMPUTING AND INFORMATION RESOURCES

Fulmont's computing and information resources are the property of Fulmont or are licensed to the agency for its use. These resources are provided for Fulmont business purposes, however occasional personal use by employees may occur without adversely affecting Fulmont's interests.

Protection of information on computing and information resources is of utmost importance to Fulmont. Additionally, the agency specifically prohibits use of computing and information resources in ways that are disruptive, abusive, obscene or degrading or offensive to others, including the transmission of sexually explicit messages, images or cartoons; ethnic slurs; racial comments or anything that could be construed as harassment or showing disrespect for others, defaming or slandering others or otherwise harming another person or business. Employees shall not access the internet to log onto web sites that contain any such material.

Employees and authorized users of Fulmont's computing and information resources have no expectation of privacy with regard to the use of these resources. In order to enforce these policies, Fulmont reserves the right to monitor any and all use of computing and information resources at any time for any reason, including but not limited to: retrieving, reading and printing any and all e-mail messages and any other computer files, as well as unfettered monitoring and documenting of all Internet use and intranet traffic. E-mail messages and other uses of computing and information resources are not confidential to the user, even though users of those resources have user IDs, passwords or other private access codes to log onto the computer or to access networks, files or accounts. User IDs, passwords or private access codes issued by Fulmont or otherwise used in connection with computing and information resources are not issued to protect the users' privacy, but rather to protect Fulmont's information and assets.

Management reserves the right to amend these policies at any time with or without the Board of Directors approval as deemed necessary to protect Fulmont's computers and any related hardware, software or infrastructure. Additionally, the final determination of appropriate use of computers is reserved for management.

SEXUAL HARASSMENT PREVENTION POLICY

I. POLICY STATEMENT

Fulmont Community Action Agency Inc. is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of Fulmont Community Action Agency Inc.'s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with Fulmont Community Action Agency Inc., and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Fulmont Community Action Agency Inc. to liability for harm to targets of sexual harassment. In New York, harassment does not need to be severe or pervasive to be illegal. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable Collective Bargaining Agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

Complaints of sexual harassment must be submitted to the Compliance Officer: Human Resources Director. In the event that the Compliance Officer is the subject of the complaint or unavailable, complaints must be made to the Deputy Executive Director or the Associate Deputy Director. If the complaint is against the Executive Director, it is to be brought to the attention of the Board of Directors immediately.

Fulmont Community Action Agency Inc. will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever Fulmont Community Action Agency Inc. or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. Fulmont Community Action Agency Inc. will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees, interns, volunteers, and non-employees are to report any harassment or behaviors that violate this Policy. Fulmont Community Action Agency Inc. will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors are **required** to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Such reporting must be in written form to the Compliance Officer. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the offender.

SCOPE

- A. Who is covered by this Policy?** This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with Fulmont Community Action Agency Inc.
- B. Who can be a target of sexual harassment?** Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees who provide services in the workplace. This Policy also protects volunteers of the Fulmont Community Action Agency Inc.
- C. Who can be a sexual harasser:** A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.
- D. Where can sexual harassment occur?** Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

II. DEFINITIONS OF PROHIBITED CONDUCT

A. What is sexual harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or

privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Fulmont Community Action Agency Inc.'s policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; *or*
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, gestures, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to offer job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone subject to and/or covered by this Policy who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

B. Examples of sexual harassment

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible); or Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this

policy (please contact local law enforcement if you wish to pursue criminal charges.)

- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other employment benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities: **or**
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act, **including**:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or in a work-related gathering or setting.
 - This extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities;
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

C. Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined,

discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to Fulmont Community Action Agency Inc. (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary.

III. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing sexual harassment is everyone’s responsibility. Fulmont Community Action Agency Inc. cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to the Compliance Officer set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to the Compliance Officer.

- Compliance Officer: Human Resources Director
- In the event that the Compliance Officer is the subject of the complaint or unavailable, complaints are to be made to the Deputy Executive Director or the Associate Deputy Director.
- If the complaint is against the Executive Director, it is to be brought to the attention of the Board of Directors immediately.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any

actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, the Complaint must be reduced to writing by the individual who it was reported to. The written report must be given to the Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

B. Supervisory Responsibilities

All managerial and supervisory personnel of Fulmont Community Action Agency Inc. shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report same in writing, to the Compliance Officer. Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive and free from retaliation for them during and after any investigation.

C. Fulmont Community Action Agency Inc. Responsibilities

Fulmont Community Action Agency Inc. will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers. Training on this Sexual Harassment Prevention Policy is conducted annually to all employees.

D. Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods

of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

IV. INVESTIGATION AND RESPONSE PROCEDURES

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commencing immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. As further set forth herein, Fulmont Community Action Agency Inc. will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

All investigations will be conducted by the Compliance Officer or their designee. The nature of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted by the Compliance Officer or their designee in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Compliance Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.

If a complaint of sexual harassment or retaliation is determined to be founded, Fulmont Community Action Agency Inc. may take disciplinary and/or corrective action. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

V. REIMBURSEMENT

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse the Fulmont Community Action Agency Inc. for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by the Fulmont Community Action Agency Inc. to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through enforcement of a money judgement.

VI. FURTHER CONFIDENTIALITY AND DISCLOSURE

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the Fulmont Community Action Agency Inc. shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the Fulmont Community Action Agency Inc. may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

VII. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the Fulmont Community Action Agency Inc. may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

VIII. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by Fulmont Community Action Agency Inc. but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Fulmont Community Action Agency Inc. individuals may also choose to pursue legal remedies with the following governmental entities **at any time**.

A. New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Fulmont Community Action Agency Inc. does not extend the time for filing a complaint with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

New York State Division of Human Rights also created a toll-free, confidential hotline at 1-800-427-2773 (1-800-HARASS-3) to provide counsel and assistance to individuals experiencing workplace sexual harassment, which is available Monday through Friday from 9:00 A.M. to 5:00 P.M.

B. United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an individual believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

IX. CONCLUSION

The policy outlined above is aimed at providing employees at Fulmont Community Action Agency Inc. and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

(Amended 6/5/23)

FULMONT COMMUNITY ACTION AGENCY INC.
HARASSMENT COMPLAINT FORM
(Submit to Compliance Officer, Deputy Executive Director or Associate Deputy Director)

This form may be used to file a complaint of harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and Fulmont Community Action Agency Inc. Policy.

Filing this complaint form with Fulmont Community Action Agency Inc. in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____
Phone Number _____
Residence _____
Mailing Address (if different from residence) _____
City _____ State _____ Zip Code _____
2. Department _____
3. Have you filed this charge with a Federal, State or local government agency?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

Have you instituted a suit or court action on this charge?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW OF
YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:

Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination continuing: YES _____ NO _____?

Are you personally the subject of the alleged harassment? YES _____ NO _____?

If not, please state the name of the person(s) who are the subject of the alleged harassment:

Describe the alleged act of harassment. **Use additional sheets if necessary.**

[illegible]

5. Indicate the name(s) of the alleged harasser(s):

6. State the name(s) of any potential witness(es):

7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED-

DISCRIMINATORY HARASSMENT PREVENTION POLICY AND COMPLAINT PROCEDURE

I. POLICY STATEMENT

It is the policy of Fulmont Community Action Agency Inc. to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Harassment based on these protected characteristics (collectively referred to as “discriminatory harassment”) is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

Sexual harassment is covered separately under Fulmont Community Action Agency’s Sexual Harassment Prevention Policy. Refer to FCAA’s Sexual Harassment Prevention Policy, as an addendum to the Employee Handbook.

FCAA will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) This includes federal laws such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act, as well as the New York State Human Rights Law.

FCAA considers discrimination, discriminatory harassment and other conduct prohibited by this Policy to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

II. SCOPE

- A. Who is covered by this Policy? This policy applies to all applicants, employees, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with FCAA.
- B. What does this Policy prohibit? This policy prohibits discriminatory harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to FCAA (e.g., an outside vendor, consultant, other non-employee or citizen).

- C. Where can discrimination or discriminatory harassment occur? Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.
- E. This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. Discrimination

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

B. Discriminatory Harassment

Harassment on the basis of any protected characteristic is prohibited. Under this policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

NOTE: Sexual harassment, including harassment on the basis of sex (including gender identity or transgender status) and sexual orientation is covered separately under the FCAA Sexual Harassment Prevention Policy.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

C. Retaliation

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of discrimination or discriminatory harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)

Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.

IV. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing harassment is everyone's responsibility. If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, FCAA recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with the Compliance Officer as set forth below. Anyone who witnesses or becomes aware of potential instances of discrimination or harassment should also report such behavior to the Compliance Officer.

- Compliance Officer: Human Resources Director
- In the event that the Compliance Officer is the subject of the complaint, or unavailable, complaints are to be made to the Deputy Executive Director or the Associate Deputy Director.
- If the complaint is against the Executive Director, it is to be brought to the attention of the Board of Directors immediately.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. If made verbally, the complaint must be reduced to writing by the individual to whom it was reported. The written report must be given to the Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

B. Employee Responsibilities

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify the Compliance Officer.

C. Supervisory Responsibilities

All managerial and supervisory personnel of FCAA shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, discriminatory harassment, and retaliation. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to the Compliance Officer.

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

D. Fulmont Community Action Agency Inc. Responsibilities

FCAA will conduct periodic training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

FCAA will also distribute this Policy to all employees, interns and volunteers.

V. INVESTIGATION AND RESPONSE PROCEDURES

Discrimination and discriminatory harassment complaints will be investigated. The Compliance Officer and/or their designee(s) will conduct a prompt and thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected discriminatory harassment. As further set forth herein, FCAA will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer’s records.

Once the investigation is completed, the Compliance Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EEOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, FCAA will take disciplinary and/or corrective action in accordance with law and/or an applicable collective bargaining agreement. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

If disciplinary charges are filed against an employee on the grounds that NYSCAA has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

VI. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, FCAA may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law.

(Amended 2/4/19)

EMPLOYER AIRBORNE INFECTIOUS DISEASE PREVENTION EXPOSURE PLAN

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards. Employees should report any questions or concerns with the implementation this plan to the designated contact.

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers.

The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

As of the date of the publication of this document, while the State continues to deal with COVID-19 and a risk still exists, no designation is in effect at this time. Please check the websites of Departments of Health and Labor for up to date information on whether a designation has been put into effect, as any such designation will be prominently displayed. No employer is required to put a plan into effect absent such a designation by the Commissioner of Health.

RESPONSIBILITIES

This plan applies to all employees of Fulmont Community Action Agency, Inc. in all programs:

- Administration
- Early Childhood Services
- Senior Transportation
- Community Services
- Energy Services
- WIC
-

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

Name	Title	Location	Phone
Ann Black	Deputy Executive Director	Fonda	518-853-8352
Michelle Masi Sitterly	Human Resources Officer	Fonda	518-853-8367
Michael McDonald	Operations Manager	Amsterdam	518-842-8225
Brian Weakly/Myra Trumbull	Program Directors	Fonda	518-853-3011

EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

1. **General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
 - Maintain physical distancing;
 - Exercise coughing/sneezing etiquette;
 - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
 - Individuals limit what they touch;
 - Stop social etiquette behaviors such as hugging and hand shaking, and
 - Wash hands properly and often.
2. **“Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
3. **Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.
4. **Face Coverings:** To protect your coworkers, employees will wear face coverings throughout the workday to the greatest extent possible. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

5. **Physical Distancing:** Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by the NYSDOH/CDC for the infectious agent) from each other. Use a face covering when physical distance cannot be maintained.

In situations where prolonged close contact with other individuals is likely, use the following control methods:

- restricting or limiting customer or visitor entry;
 - limiting occupancy;
 - allowing only one person at a time inside small enclosed spaces with poor ventilation;
 - reconfiguring workspaces;
 - physical barriers;
 - signage;
 - floor markings;
 - telecommuting;
 - remote meetings;
 - preventing gatherings;
 - restricting travel;
 - creating new work shifts and/or staggering work hours;
 - adjusting break times and lunch periods;
 - delivering services remotely or through curb-side pickup;
6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
 - Touching your eyes, nose, or mouth;
 - Touching your mask;
 - Entering and leaving a public place; and
 - Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.
8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.
9. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. **Elimination:** Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.
2. **Engineering Controls:** Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
 - A. **Mechanical Ventilation:**
 - i. Local Exhaust Ventilation, for example:
 - Kitchen Vents
 - B. **General Ventilation, for example:**
 - i. Dedicated ventilation systems for cooking areas; isolation rooms;
 - ii. Increasing the percentage of fresh air introduced into air handling systems;
 - iii. Avoiding air recirculation;
 - iv. If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
 - C. **Natural Ventilation, for example:**
 - i. Opening outside windows and doors to create natural ventilation; and
 - ii. Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. (Note: This method is appropriate only if air will not blow from one person to another.)
 - D. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
 - E. Change layout to avoid points or areas where employees may congregate

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

Engineering Controls Utilized/Location:
N/A
<i>Note to Employer: One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more “clean air” into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building’s fresh air intake ports. Consult your ventilation system’s manufacturer or service company to determine if improvements are possible for your system.</i>

3. **“Administrative Controls”** are policies and work rules used to prevent exposure. Examples include:
- Increasing the space between workers;
 - When possible, increase remote working to accommodate fewer workers at a time in one location;
 - Disinfecting procedures for specific operations;
 - Not shaking out soiled laundry;
 - Employee training;
 - Identify and prioritize job functions that are essential for continuous operations;
 - Cross-train employees to ensure critical operations can continue during worker absence, when possible;
 - Limit the use of shared workstations;
 - Post signs reminding employees of respiratory etiquette, masks, handwashing;
 - Rearrange traffic flow to allow for one-way walking paths;
 - Provide clearly designated entrance and exits

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

Administrative Controls Utilized/Location:
Increasing the space between staff/clients: All locations
Limit the use of shared workstations/entrance to work areas/ All locations
Post signs reminding employees of respiratory etiquette, masks, handwashing/ All locations
Rearrange traffic flow to allow for one-way walking paths/ All locations
Follow active infectious disease instructions/disinfecting procedures for specific operations/ All locations

4. **Personal Protective Equipment (PPE)** are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace:

PPE Required -Activity Involved/Location:
Face Coverings - All Locations when necessary
Hand Sanitizer - All Locations when necessary
Gloves - All Locations when necessary
<i>1 The use of respiratory protection, e.g. an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.</i>

EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

HOUSEKEEPING DURING A DESIGNATED OUTBREAK

1. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see dec.ny.gov and epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

2. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See cdc.gov for more guidance.

3. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

4. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

1. FULMONT COMMUNITY ACTION AGENCY will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)
2. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:
 - a. The infectious agent and the disease(s) it can cause;
 - b. The signs and symptoms of the disease;
 - c. How the disease can be spread;
 - d. An explanation of this Exposure Prevention Plan;
 - e. The activities and locations at our worksite that may involve exposure to the infectious agent;
 - f. The use and limitations of exposure controls
 - g. A review of the standard, including employee rights provided under Labor Law, Section 218-B.
3. The training will be:
 - a. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
 - b. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
 - c. Verbally provided in person or through telephonic, electronic, or other means.

PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

Plan Revision History			
Date	Participants	Major Changes	Approved By

RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer’s failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor’s emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

Employer Airborne infection disease prevention exposure plan adopted 7/29/2021.
(Amended 9/13/21, Effective 7/29/21)

Fulmont Community Action Agency, Inc

Title VI Plan

for Closed-Door Services

5-8-2026

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A. Program Description and Services

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Subrecipients of public transportation funding from the Federal Transit Administration (FTA), are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory. Fulmont Community Action Agency, Inc is a subrecipient of FTA financial assistance through a grant from NYSDOT. This Title VI plan details how Fulmont Community Action Agency, Inc incorporates nondiscrimination policies and practices in providing transit services to the ridership we serve.

Fulmont Community Action Agency, Inc is a nonprofit that receives FTA Section 5310 funding through NYSDOT to provide closed-door transit services to only individuals who are certified by the New York Office for Seniors and People with Developmental Disabilities (OPWDD). Fulmont Community Action Agency, Inc operates from 8am to 4pm Wednesday – Thursday. Fulmont Community Action Agency, Inc is located at 20 Park St, Fonda, NY 12068 Fulmont Community Action Agency, Inc has been serving OPWDD clientele since 1997; transportation is covered by OPWDD funding (clients do not pay fares).

B. Fulmont Community Action Agency, Inc Title VI Plan

As a subrecipient to NYSDOT receiving Federal Transit Administration Section 5310 and/or 5311 funds, **Fulmont Community Action Agency, Inc's** Title VI plan shall comply with Title VI of the Civil Rights Act of 1964 as presented with the following elements:

- ✓ Title VI Notice to the Public, including a list of locations where the notice is posted
- ✓ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ✓ Title VI Complaint Form
- ✓ List of transit-related Title VI investigations, complaints, and lawsuits
- ✓ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission
- ✓ Language Assistance Plan for providing language assistance to persons with limited English proficiency.
- ✓ A table depicting the membership of transit related non-elected committees and councils, the membership of which is selected by the subrecipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.
- ✓ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. (Board approval is not required if the subrecipient does not have a Board.)

The Fulmont Community Action Agency, Inc shall update its Title VI plan every three years and present the updated plan to NYSDOT for their review and approval.

B1. Fulmont Community Action Agency, Inc TITLE VI Policy

The Fulmont Community Action Agency, Inc commits to comply with Title VI of the Civil Rights Act of 1964 that prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that "no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" (Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.). This requirement is included in the Section 5310 agreement between Fulmont Community Action Agency, Inc and NYSDOT and any related agreements the agency may have with third-party contractors.

For more information on Fulmont Community Action Agency, Inc s Title VI program contact:

Michelle Masi Sitterly

Fulmont Community Action Agency, Inc

Title VI Coordinator

20 Park St, PO Box 835

Fonda, NY 12068

Phone (518) 853-8367

Email: msitterly@fulmont.org

B2. Title VI Public Notice

The Fulmont Community Action Agency, Inc's Notice to the Public is shown in Appendix 6 and posted in the following locations:

- ☐ Agency website at: www.fulmont.org
- ☐ Public areas of the agency office:
 - Annex Building; 20 Park St. Fonda, NY 12068
 - Office for the Aging; 19 North South William St, Johnstown, NY 12095
- ☐ Inside transit vehicles (required by NYSDOT)

B3. Title VI Complaint Procedures and Complaint Form

The Fulmont Community Action Agency, Inc's Title VI Complaint Procedure is available in the following locations:

- ☐ Agency website at: www.fulmont.org
- ☐ Hard copy in the central office
- ☐ In client intake materials
- ☐ Personnel Handbook

Anyone who believes they have been discriminated against on the basis of race, color, or national origin, may file a complaint by completing and submitting the Title VI Complaint Form (contained in *Appendix 2*) to the address below.

Fulmont Community Action Agency, Inc
Michelle Masi Sitterly, Title VI Coordinator
20 Park St PO Box 835
Fonda, NY 12068
Phone (518) 853-8367
Email address msitterly@fulmont.org

The complaint form is not required to file a complaint. The complainant may submit any written report as a complaint notice. Fulmont Community Action Agency, Inc will make reasonable modifications and take information verbally if the complainant requires this accommodation.

The Fulmont Community Action Agency, Inc investigates complaints received no more than 180 days after the alleged incident. Once the complaint is received, the Fulmont Community Action Agency, Inc will follow the steps below:

1. Acknowledge receipt of the complaint within 10 days (*Appendix 3*)
2. Determine if the Fulmont Community Action Agency, Inc has jurisdiction to investigate the complaint.
3. Plan to complete the investigation within 45 days.
4. Schedule an interview, if deemed necessary.
5. Determine if other public or private entities are or should be involved.
6. Determine if additional information is needed. Complainant has 15 days to provide the additional information.
7. If the Fulmont Community Action Agency, Inc is not contacted by the complainant or does not receive the additional information within 15 days, the case can be administratively closed. Additionally, a case can be administratively closed if the complainant no longer wishes to pursue the case.
8. Determine if meetings with the affected party or other interested parties are needed.

After the investigative process has been completed, the Fulmont Community Action Agency, Inc will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF).

1. A **closure letter** summarizing the allegations and stating that there was no Title VI violation and that the case will be closed. (*Appendix 4*)
2. A **letter of finding (LOF)** summarizing the allegations and the interviews regarding the alleged incident, and explaining whether any disciplinary action, additional training of the staff member, or other action will occur. (*Appendix 5*)

If the complainant wishes to appeal the decision, the complainant must submit the appeal within 21 days after the date of the closure letter or the LOF.

Filing complaints with Fulmont Community Action Agency, Inc enables the agency to properly investigate the complaint. A person may also file a complaint directly with:

- New York State Department of Transportation
Office of Diversity and Opportunity
50 Wolf Road, 6th Floor
Albany, NY 12232
(518) 457-1129 Fax (518) 549-1273
OCR-TitleVI@dot.ny.gov
- Federal Transit Administration
Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor-TCR,
1200 New Jersey Ave., SE Washington, DC 20590

If information is needed in another language, please contact Fulmont Community Action Agency, Inc at (518)853-8367.

Si se necesita información en otro idioma, por favor contacto, (518) 853-8367.

B4. Transit Related Title VI Complaints, Investigations and Lawsuits

The Fulmont Community Action Agency, Inc maintains a log of all Title VI complaints, investigations, and lawsuits pertaining to its transit-related activities since the last Title VI plan update.

Reporting Period: 2023

2024

2025

Check One:

 X There have been no investigations, complaints and/or lawsuits filed against Fulmont Community Action Agency, Inc during the reporting period.

 There have been investigations, complaints and/or lawsuits filed against Fulmont Community Action Agency, Inc. *See list below.*

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin)	Status (open/closed)	Disposition (finding/no finding)
Complaints				
1.				
2.				
3.				
Investigations				
1.				
2.				
3.				
Lawsuit				
1.				
2.				
3.				

B5. Public Involvement Process

Strategies and Desired Outcomes

This section describes how Fulmont Community Action Agency, Inc disseminates vital agency information and engages the public in the decision-making process for transportation services. We seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems. These groups may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective public involvement methods for a given project or population.

Fulmont Community Action Agency, Inc primarily serves only clients that have been determined to be eligible for our transit service by the **Fulton County Office for Aging**. (OFA). The OFA, as a recipient of federal financial assistance, must comply with all Title VI requirements in the development and delivery of their programs. Fulmont Community Action Agency, Inc serves all individuals who are determined by the OFA to be eligible for services, without regard to race, color, or national origin and low-income status.

Public Outreach Activities

Fulmont Community Action Agency, Inc's program decision-making public involvement is limited to the population that meets the eligibility criteria set by the Fulton County Office for Aging. The OFA is the lead agency for public involvement in the decision-making process with the goal of offering minority and low-income individuals the opportunity to comment on the benefits of the program services being provided with federal financial assistance. The OFA outreach consists of relationship building with agencies and stakeholders (such as AME Zion Church; local food pantries; demographic related areas of the county [i.e. city of Gloversville]; Fulton County Council of Clubs and Centers; the Office for Aging Advisory Council; Fulton County Long Term Care Council and at public information sessions across all corners of the county) that provide services to minority, low income and LEP communities.

Fulmont Community Action Agency, Inc may assist the OFA during open-house events and the enrollment period as well as promoting the OFA public involvement campaign to a diverse community. Members of the public who request notices and or handouts in a language other than English will be referred to staff who can provide interpretation assistance or to the OFA for assistance.

Summary on Public Involvement Activity

Fulmont Community Action Agency, Inc is a closed-door service provider so traditional public involvement activities are not applicable. However, Fulmont Community Action Agency, Inc maintains information on its website and actively works with community organizations regarding its commitment to serve all persons regardless of race, color, or national origin.

B6. Language Assistance Plan

To comply with the FTA Title VI requirement on nondiscrimination based on national origin, as it affects limited English proficient (LEP) persons, Fulmont Community Action Agency, Inc will take reasonable steps to ensure meaningful access to our programs and activities by persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

The Language Assistance Plan for Fulmont Community Action Agency, Inc is based on a Four Factor Analysis that describes the demographic characteristics of our service area, the frequency with which riders use our services, and the importance of our transportation services. These three factors identify the need for language assistance and are balanced with a fourth factor, that of the available resources with which to provide language assistance to result in an assistance plan to address the identified needs of the LEP population(s) served.

LEP Four Factor Analysis

To determine what the specific languages are spoken in our transit service area and to determine what language services are appropriate for the LEP population, the Fulmont Community Action Agency, Inc has conducted a Four Factor Analysis¹: (1) Demography, (2) Frequency, (3) Importance, and (4) Resources and costs.

¹ DOT LEP guidance <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

1. **Demography:** A number or proportion of the LEP population(s) specifically served or that could be served by Fulmont Community Action Agency, Inc transit service.
2. The **frequency** with which LEP persons come into contact with Fulmont Community Action Agency, Inc.
3. The nature and **importance** of Fulmont Community Action Agency, Inc transit services to LEP population(s).
4. The **resources** available for LEP outreach and how employees are trained to provide language assistance to LEP persons.

Our analysis is based on:

- ☐ internal client registration data for our transportation services.

Factor 1–Demography | Number or proportion of the LEP population(s), specifically served or could be served by Fulmont Community Action Agency, Inc transit service.

We examined our transit services and our experiences with LEP individuals who specifically use our transit services to determine the breadth and scope of the LEP preferred language services that were needed in providing the specific transit services.

Fulmont Community Action Agency, Inc clients and potential clients are primarily older adults and individuals with disabilities. When our clients register for our demand response transportation services, they provide information such as address, emergency contact, and mobility aids used (e.g., canes, walkers, or wheelchairs). As part of the registration process any language assistance needs are identified, along with any impairments which may affect the ability to hear spoken language. The review of our internal client data shows that 3 people or 2% of the total number of clients speak English less than very well. For the 2% population of riders who do not speak English very well, they preferred the language assistance in Spanish (3 people or less than 2%).

Factor 2–Frequency | Frequency with which LEP people come in contact with Fulmont Community Action Agency, Inc

Fulmont Community Action Agency, Inc day-to-day clients and their parents or guardians are assessed for their ability to understand English. Most of our direct clients have good verbal communication ability and or have good verbal language comprehension levels. During the intake process, Fulmont Community Action Agency, Inc is able to identify non-English speaking parents or guardians of our clients with whom we have frequent contact; and therefore, have staff available to provide oral interpretation. Our client parents and guardians speak English very well. Since the last Title VI plan update, Fulmont Community Action Agency, Inc has not had to provide our client and the client’s parent or guardian with assistance in another language.

Factor 3–Importance | Importance of the service to clients who need language assistance

The’s services are critical to the lives of its clients, enabling them to participate as fully as possible in the community, interact and socialize with others, and carry out the activities of daily living. The services also support the parents and guardians of our clients. The has taken positive steps at the intake process to identify non-English speaking clients and their parents or guardians with whom we have regular contact.

Therefore, the Fulmont Community Action Agency, Inc has staff available to provide oral interpretation as needed thus ensuring the importance of our client services be communicated to all clients, parents and guardians in a language other than English.

Fulmont Community Action Agency, Inc’s transportation services are critical to the lives of many of its riders, enabling them to participate as fully as possible in the community, interact and socialize with others, and carry out the activities of daily living.

Therefore, the Fulmont Community Action Agency, Inc has staff available to provide oral interpretation, a language line, or translation as needed thus ensuring riders, regardless of the language they speak, can access our service.

Since the last Title VI plan update, Fulmont Community Action Agency, Inc has found that our existing language supports meet the needs of our clientele.

Factor 4–Resources and Costs | Resources available and costs

To meet the language assistance needs of our Fulmont Community Action Agency, Inc LEP population, Fulmont Community Action Agency, Inc utilizes readily available resources and works to strengthen our partnership with other organizations our riders engage with. Some of those readily available resources may include bilingual staff and use of other translation applications, and the NY Office on Aging Services language assistance tools. To supplement these resources, Fulmont Community Action Agency, Inc may also retain the services of an interpreter, translate vital documents, and utilize community volunteers. After analyzing the Fulmont Community Action Agency, Inc budget and

reviewing available resources, cost associated to meet language assistance needs of the LEP population at 5% or greater will be incurred for translating and/or interpreting vital documents.

Results of the Four Factor Analysis

As a result of the four-factor analysis, a written Language Assistance Plan is not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. Our agency will do this at no cost to the program clientele. Further, we will work with other agencies to identify resources that will effectively meet the needs of LEP individuals.

During the registration process for closed-door service providers, Fulmont Community Action Agency, Inc and OFA are able to identify non-English speaking clients (or parents or guardians of our clients, as appropriate) with whom we have frequent contact; and therefore, have language assistance tools or staff available to provide oral interpretation.

Providing Language Assistance Services

Fulmont Community Action Agency, Inc currently meets the language assistance needs of the Spanish-speaking population through the services of an interpreter, including translation applications, accessing community organizations that meet the needs of the Spanish speaking population, and our multilingual staff. As needed, key documents are translated to Spanish meeting the threshold for translation of such materials.

Informing LEP Populations of the Availability of Language Assistance

Language assistance is advertised on our website, on the Title VI notice, through posters in our agency, and through program registration materials, as applicable. Fulmont Community Action Agency, Inc also utilizes community-based organizations to share the availability of these services, public meetings, rider surveys and interviews, outreach documents, and on vehicles.

Updating the Language Assistance Plan

Fulmont Community Action Agency, Inc identifies the language capabilities and language assistance needs of our ridership every time the Title VI plan is updated. Should Fulmont Community Action Agency, Inc have more than 5% of persons in a specific language group that requires language assistance, Fulmont Community Action Agency, Inc shall comply with the US Department of Justice Safe Harbor Provision and provide written material in the specific language and or oral interpretation of the written material, free of cost. If no change in language assistance needs occurs, the Language Assistance Program will at a minimum be updated during the Title VI plan update.

Training Employees to Provide Language Assistance

Fulmont Community Action Agency, Inc employees are oriented on the principles of Title VI and language assistance at hire and when the Title VI plan is updated. New employees will be provided guidance on the needs of clients served and how best to meet their language needs. Training will include review of the following Title VI program components:

1. Title VI Notice to the Public
2. Title VI complaint procedures and form
3. Complaint log
4. LEP and Language Assistance Plan

If an employee needs further assistance related to LEP individuals, they will work with the Fulmont Community Action Agency, Inc's Title VI Coordinator to identify strategies to meet the language needs of the participants of the program or service.

B7. Minority Representation on Advisory Boards

Fulmont Community Action Agency, Inc has no transit-related, non-elected committees or advisory councils.

Efforts to Encourage Minority Representation on Boards and Committees

The Fulmont Community Action Agency, Inc understands diverse representation on committees, councils and boards results in sound policy reflective of its entire service area. As such, the Fulmont Community Action Agency, Inc encourages participation of all its clientele/patrons and interested parties on boards, committees or councils.

As vacancies on boards, committees, and councils become available, the Fulmont Community Action Agency, Inc will make efforts to encourage and promote diversity with active participation of clientele/patrons, community organizations and interested parties. Fulmont Community Action Agency, Inc contacts advocates of the minority community, such as

organizations that serve minority communities and leaders to garner interest in participating onboards, committees or councils.

B8. Recordkeeping and Reporting

Fulmont Community Action Agency, Inc maintains records related to the agency's implementation of Title VI program, including records of the Title VI Plan adoption and approval (see section B5), records of Title VI staff training, public involvement activities, complaints, investigations, language assistance services and other implementation activities.

Fulmont Community Action Agency, Inc shall update the Title VI Plan, every three years and submit the plan to the New York State Department of Transportation (NYSDOT) for approval.

B9. Plan and Policy Review

The Title VI policy will be disseminated to employees through training at new employee orientation and every time the plan is updated. The Fulmont Community Action Agency, Inc will review its Title VI Plan at least once every three years to determine if modifications are necessary. The Fulmont Community Action Agency, Inc will review implementation annually to ensure compliance with Title VI Plan requirements. The agency's review includes verifying that all employees have received ongoing updates, training, and a copy of the Title VI policies and that all postings are in place and in good condition.

Title VI Plan Monitoring – Activity Log

Date	Activity (Review-Update-Addendum- Adoption-Distribution)	Person Responsible	Remarks
2022	Adopted and distributed	Donna Ward, CHRO	Verified intake materials, postings. Verified all employees received Title VI training and copies of Title VI policy.
May 2026	Adopted and distributed	Michelle Masi Sitterly, CHRO	Verified intake materials, postings. Verified all employees received Title VI training and copies of Title VI policy.

Program Monitoring

The Fulmont Community Action Agency, Inc will monitor the effectiveness of the Title VI program through the feedback from clientele, employees, general public and other agencies (NYSDOT, FTA). Fulmont Community Action Agency, Inc seeks opportunities to continuously improve its Title VI plan, public participation outreach efforts and providing meaningful access of our services to LEP individuals.

B10. Facility Location Equity Analysis

As a subrecipient of federal funds, Fulmont Community Action Agency, Inc understands we are required to conduct a Title VI equity analysis when planning to acquire land to construct a new transportation facility or expand an existing facility to ensure the location is selected without regard to race, color, or national origin. A facility includes storage facilities, maintenance facilities, and operations centers, but it does not include bus shelters, transit stations, or power substations. The equity analysis requirement applies even to land acquired to construct a new facility that do not receive direct federal funding (as long as Fulmont Community Action Agency, Inc receives federal financial assistance, Title VI requirements apply to all programs and activities). The equity analysis compares the equity impacts of various siting alternatives and must occur during the planning phase, prior to the selection of the preferred site, and must include the following:

1. A description of the outreach to persons potentially impacted.
2. A comparison of equity impacts of various siting alternatives.
3. An analysis about whether a disparate impact occurs on the basis of race, color or national origin (including potential cumulative adverse impacts from other facilities with similar impacts in the area) because of the location and construction of a facility. (If there is a disparate impact, the construction of the facility may only occur if there is a substantial legitimate justification, there are no alternative locations that would have a less disparate impact, and it is not a pretext for discrimination).

For any land acquired to construct a new facility Fulmont Community Action Agency, Inc will work with NYSDOT to ensure that the equity analysis is completed and submitted to NYSDOT. The equity analysis will be provided upon request to NYSDOT, FTA and during the triennial review.

The below is intended to provide direction to the reader as to whether Fulmont Community Action Agency, Inc was required to, completed, and included a Title VI equity analysis with this Title VI Plan update.

Did Fulmont Community Action Agency, Inc acquire land to construct a transportation facility in the past three years?

- ☒ **No.** Fulmont Community Action Agency, Inc has not acquire land to constructed a transportation facility.
- ☐ **Yes.** Fulmont Community Action Agency, Inc did acquire land to construct, a new transportation facility and completed a Title VI equity analysis to compare the equity impacts of various siting alternatives.

Does Fulmont Community Action Agency, Inc plan to acquire land to construct a new transportation facility in the next three years?

- ☒ **No.** Fulmont Community Action Agency, Inc does not plan to acquire land to construct a new transportation facility.
- ☐ **Yes.** Fulmont Community Action Agency, Inc plans to acquire land to construct a new transportation facility.

If yes, was a Title VI equity analysis completed?

- ☐ **Yes.** A Title VI equity analysis was completed. A copy of the analysis is included as *Appendix X*.
- ☐ **No.** A Title VI equity analysis was not completed.

If no, when will the Title VI equity analysis be completed?

Fulmont Community Action Agency, Inc Title VI and ADA Complaint Form

Section I:

Your Name:

Address:

Telephone (Home):

Telephone (Work/Mobile):

Email Address:

**Accessible Format
Requirements?**

Large Print

TDD

Audio Tape

Other

Section II:

Are you filing this complaint on your own behalf?

Yes*

No

**If you answered "yes" to this question, go to Section III.*

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes

No

Section III:

I believe the discrimination I experienced was based on (check all that apply):

☐ **Race**

☐ **Color**

☐ **National Origin**

☐ **Disability**

Date of Alleged Discrimination (Month, Day, Year): _____

Agency name complaint is against: _____

Location of where the alleged discrimination occurred:- _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.

Section IV	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? ☐ Yes ☐ No <i>If yes, check all that apply:</i> ☐ Federal Agency: _____ ☐ Federal Court: _____ ☐ State Agency: _____ ☐ State Court: _____ ☐ Local Agency: _____	
Provide information for the contact person at the agency/court where the complaint was filed.	
Name and Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below.

Signature

Date

Please submit this form by mail, email or in person to the address below.

Fulmont Community Action Agency, Inc
Michelle Masi Sitterly, Title VI/ADA Coordinator
20 Park St
Fonda, NY 12068
msitterly@fulmont.org

This complaint may also be filed directly with the New York State Department of Transportation, Office of Civil Rights, 50 Wolf Road, 6th Floor, Albany, NY 12232, (518) 457-1129 Fax (518) 549-1273, OCR-TitleVI@dot.ny.gov or the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.

RECEIPT OF EMPLOYEE HANDBOOK
Amended August 2026

I acknowledge that I have received, read and fully understand the Fulmont Employee Handbook. I acknowledge that the handbook includes the Whistleblower Policy. I agree to abide by the rules and regulations contained therein. I understand that the rules, policies, and benefits contained in the Employee Handbook may be updated, modified, or deleted at any time and that it is my responsibility to keep myself apprised of any changes.

In consideration of my employment, I agree to conform to the rules and regulations of Fulmont Community Action Agency, Inc., and understand that my employment and compensation can be terminated, with or without cause, and without notice at any time at the option of the Agency or myself. I also understand that neither this Handbook nor any other communication by a management representative is intended to, in any way, create a contract of employment or limit the Agency's discretion to discipline or terminate my employment.

Employee Signature

Date

Print Employee Name